

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 7, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 7, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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| Michael H. Vincent | President |
| Samuel R. Wilson, Jr. | Vice President |
| Robert B. Arlett | Councilman |
| George B. Cole | Councilman |
| Joan R. Deaver | Councilwoman |
| Todd F. Lawson | County Administrator |
| Gina A. Jennings | Finance Director |
| J. Everett Moore, Jr. | County Attorney |

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| Call to Order | <p>The Invocation and Pledge of Allegiance were led by Mr. Vincent.</p> <p>Mr. Vincent called the meeting to order.</p> |
| M 260 16 Approve Agenda | <p>A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to approve the Agenda, as posted.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p> |
| Minutes | <p>The minutes of May 24, 2016 were approved by consent.</p> |
| Corre- spondence | <p>Mr. Moore read the following correspondence:</p> <p>BIG BROTHERS BIG SISTERS OF DELAWARE, INC., GEORGETOWN, DELAWARE.</p> <p>RE: Letter in appreciation of grant</p> |
| Public Comments | <p><u>Public Comments</u></p> <p>The following people spoke in favor of moving forward with the Proposed Herring Creek Expansion of the Sussex County Unified Sanitary Sewer District: Patrick McCormick, Martha Lee, Walt Yatco, Robert Taney, Barbara Sunner, Mark Sunner, Mike Dominquez, Jane Mahoney, Frank Mahoney, Stephen Zee, Donald Clark, and Tom Seeds.</p> |

**Public
Comments
(continued)**

The following people spoke in opposition to the Proposed Herring Creek Expansion of the Sussex County Unified Sanitary Sewer District: William Marshall, Jean Ward, Jackie Riemenschneider, Susan Harrison, Jeanette Cosgrove, and Charlie Keefer.

Paul Reiger commented on the appointment of members to the Planning and Zoning Commission.

Dan Kramer commented on the proposed sign ordinance and stated that members of the Sussex County Council and the Planning and Zoning Commission need to divulge what business they are in prior to voting on the matter.

Jason Dean gave kudos to Sussex County for being the best jurisdiction in the State of Delaware in which to do business. Mr. Dean commented on the decision making process and enforcement of ordinances.

David Schmidt commented on the Sussex County (CERT) Community Emergency Response Team and asked that Council give them the budget they need to do their mission.

**Procla-
mation**

The Council presented the Proclamation entitled “PROCLAIMING THE MONTH OF JUNE AS ‘HOME OWNERSHIP MONTH’ IN SUSSEX COUNTY” to representatives of the Sussex County Association of Realtors.

**Appoint-
ment to
Planning
& Zoning
Commission**

Mr. Lawson advised that Robert Wheatley’s term on the Planning and Zoning Commission will expire in June.

Mr. Lawson commented on the appointment process to this Commission and he stated that, according to Legal, the County is following Delaware Code. Delaware Code specifies that appointed members to the Planning and Zoning Commission shall be residents of Sussex County and no more than two members shall be appointed from the same Councilmanic District.

Mr. Vincent stated that he would like to reappoint Robert Wheatley to the Planning and Zoning Commission.

**M 261 16
Appoint-
ment to
P&Z
Commission
(Motion
Died)**

A Motion was made by Mr. Cole that the Sussex County Council appoints Mr. Robert C. Wheatley to the Sussex County Planning and Zoning Commission for a term of three years commencing on July 1, 2016.

The Motion died for the lack of a Second.

**M 262 16
Defer
Action on
Appoint-
ment**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on the appointment of Mr. Robert C. Wheatley to the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

**M 262 16
(continued)**

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

**Advisory
Committee
Vacancy**

Mr. Lawson advised that there is a District 1 vacancy to be filled on the Advisory Committee for the Aging and Adults with Physical Disabilities.

Mr. Lawson reported that Mr. Vincent has recommended that Cathy Allen Parker be appointed to serve on the Committee.

**M 263 16
Approve
Appointment/
Aging &
Adults
with
Physical
Disabilities
Committee**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of Mrs. Cathy Allen Parker to the Advisory Committee for the Aging and Adults with Physical Disabilities effective immediately, for a term of two years.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for January, there were 60 violent crime arrests with 46 clearances; 371 property crimes with 213 clearances; and 3,409 total traffic charges with 2,319 corresponding arrests. Of those traffic arrests, 83 were for DUI. Finally, there were 338 total vehicle crashes investigated in January. In total, there were 191 troopers assigned to Sussex County for the month of January.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Landings at Pepper Creek (aka The Marina at Pepper's Creek) – Pump Station and Force Main received Substantial Completion effective May 26th.

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

**DSP
Update
Planned**

Mr. Arlett announced that the Delaware State Police have agreed to attend a Council meeting on a quarterly basis to provide a public safety update and that they plan to attend the June 28th Council meeting. Mrs. Deaver raised questions as to who requested and approved this proposal.

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| Springfield Road Property Sale | <p>Mrs. Jennings discussed the Sussex County Council's purchase of 9.82 acres that included a house to establish a larger clear zone on the approach to Runway 4-22 at the Delaware Coastal Airport. She noted that the entire property was not required as a clear zone. In October 2015, the Council approved the disposition of part of the property that was not needed for the clear zone; this property is located at 22512 Springfield Lane, Georgetown. The property was placed for sale in October and advertised multiple times with no bids received; Administration then began to accept buyers through realtors. Mrs. Jennings reported that the County has received a cash offer of \$150,000 and would like to proceed with the disposition of the property with Council's approval.</p> |
| M 264 16 Enter into Agreement of Sale/ Springfield Lane | <p>A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council authorizes Administration to enter in an Agreement of Sale for Parcel Number 135-20.00-51.00 located at 22512 Springfield Lane for the amount of \$150,000.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p> |
| Lewes Scenic Byway Endorsement | <p>Janelle Cornwell, Planning and Zoning Manager, reported that, at the May 3, 2016 meeting, the Lewes Historic Byways Corridor Management Plan was presented to Council for review and consideration. She reported that the enforcement of the Corridor Management Plan is the responsibility of DelDOT and, if endorsed, the County could use it as a tool for guidance for development applications.</p> |
| M 265 16 Endorse Lewes Historic Byways Corridor Management Plan | <p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council endorses the Lewes Historic Byways Corridor Management Plan.</p> <p>Motion Adopted: 4 Yeas, 1 Nay.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Nay; Mr. Vincent, Yea</p> |
| Proposed Route 13 Commercial Exp. of the S.C. Unified SSD | <p>Hans Medlarz, County Engineer, presented a request to prepare and post notices for the Proposed Route 13 Commercial Expansion to the Blades Area of the Sussex County Unified Sanitary Sewer District. Mr. Medlarz noted that this is an extension of an existing district area by petition; that a total of nine requests were received out of 16 parcels overall; that all of the properties in the area are commercially zoned; and that this ties into the ongoing Concord Road Project. Mr. Medlarz recommended holding a Public Hearing on this matter.</p> |

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| M 266 16 Post Notices for the Proposed Route 13 Commercial Expansion of the S.C. Unified SSD | <p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the U.S. Route 13 Commercial Expansion of the Blades Area of the Sussex County Unified Sanitary Sewer District boundary to include sixteen (16) parcels along U.S. Route 13, as presented on June 7, 2016.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p> |
| Henlopen Acres Pumping Station Project | <p>Hans Medlarz, County Engineer, presented a Final Balancing Change Order for the Henlopen Acres Pumping Stations Electrical Cable Replacement Project. The contract was awarded to Mid-Shore Electrical Services, Inc.; construction began on April 26, 2016 and was completed on May 27, 2016. At project completion, balancing of work item quantities resulted in additional costs of \$310.28 resulting in a final project cost of \$202,402.78.</p> |
| M 267 16 Grant Substantial Completion and Approve C/O for Henlopen Acres Pumping Station Project | <p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council grants Substantial Completion, effective May 27, 2016, to Mid-Shore Electrical Services, Inc. of Millsboro, Delaware for Sussex County Project 14-12, Henlopen Acres Pumping Stations, Electrical Cable Replacement; and further, that Balancing Change Order No. 1 be approved in the amount of \$310.28 thereby increasing the contract amount from \$202,092.50 to \$202,402.78, and that the final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p> |
| Bid Results/ Taxiway B and Asphalt Tie-Down Apron Project | <p>Hans Medlarz, County Engineer, presented the bid results for Taxiway B (W) and Asphalt Tie-Down Apron (N) and Ramp Rehabilitation (Project No. 16-21). Two bids were received and the low bidder was Jerry's Inc.</p> <p>Mr. Medlarz noted that bids were initially received for the referenced work; however, the bids were deemed excessive and on March 1, 2016, the Council authorized the rejection of the bids. The project was reengineered and a small portion of the project is currently moving forward; the remainder of the project will take place in the Fall of 2016.</p> |

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| M 268 16 Award Bid/ Taxiway B and Asphalt Tie-Down Apron Project | <p>A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the Base Bid with Item X-103 included for Contract 16-21, Taxiway B (W) and Asphalt Tie-Down Apron (N) and Ramp Rehabilitation, be awarded to Jerry's, Inc. of Milford, Delaware, in the amount of \$342,685.00.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p> | | | | |
| Final Boundary for the Proposed Herring Creek Expansion of the S.C. Unified SSD | <p>John Ashman, Director of Utility Planning, presented a request for Council's consideration on a Proposed Resolution establishing the boundaries for the Proposed Herring Creek Expansion of the Sussex County Unified Sanitary Sewer District. Mr. Ashman provided a timeline and history on the proposed expansion.</p> <p>Mr. Ashman reported that the Engineering Department recommends proceeding with the boundaries as outlined on May 7, 2016 depicting the reduced property (Tunnell properties along the edge).</p> <p>Mr. Ashman stated that, upon approval by Council on this date, the Engineering Department will proceed with the referendum schedule. The deadline for absentee ballots will be July 7, 2016 at 4:30 p.m. A referendum vote will be scheduled on July 9, 2016 from 8:00 a.m. to 3:00 p.m.; depending on the outcome of the referendum, the Engineering Department would proceed with the design phase; construction is estimated to begin in the Summer of 2017, with a project start-up by Fall 2019.</p> | | | | |
| M 269 16 Adopt R 010 16 | <p>A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Resolution No. R 010 16 entitled "A RESOLUTION ESTABLISHING THE DISTRICT BOUNDARIES FOR THE PROPOSED HERRING CREEK EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT".</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p> | | | | |
| The Estates of Sea Chase Chapter 96 SCI Project | <p>Patti Deptula, Director of Special Projects, presented the election results for The Estates of Sea Chase Proposed Chapter 96 Sussex Community Improvement Project:</p> <table><tr><td>Votes in Support</td><td>29</td></tr><tr><td>Votes in Opposition</td><td>02</td></tr></table> | Votes in Support | 29 | Votes in Opposition | 02 |
| Votes in Support | 29 | | | | |
| Votes in Opposition | 02 | | | | |

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| The Estates of Sea Chase Chapter 96 SCI Project (continued) | <p>Mrs. Deptula noted that on April 19, 2016, the Council approved a Resolution accepting the subdivision into the Chapter 96 Program and establishing the details for holding an election.</p> <p>Based on the affirmative vote of the election that took place on May 20, 2016, the Engineering Department recommends to proceed with the project improvements.</p> |
| M 270 16 Adopt R 011 16 | <p>A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Resolution No. R 011 16 entitled “A RESOLUTION AUTHORIZING THE SUSSEX COUNTY ENGINEER TO PERFORM IMPROVEMENTS, AND THE SUSSEX COUNTY ENGINEER AND FINANCE DIRECTOR TO DETERMINE A UNIFORM ASSESSMENT RATE FOR BILLING, UPON SUBSTANTIAL COMPLETION OF THE IMPROVEMENTS, FOR THE ESTATES OF SEA CHASE CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT”.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p> |
| Proposed McCabe Expansion of the Sussex County Unified SSD | <p>Aref Etemadi, Planning Technician, requested permission to prepare and post notices for the McCabe Expansion of the Sussex County Unified Sanitary Sewer District. This project proposes the annexation of the vacant 1.4 acre property to the district; the property is adjacent to The Marina at Peppers Creek subdivision. The developer/owner, Dennis R. McCabe, will be responsible for payment of all applicable fees to include system connection charge, and annual service and front footage assessments per EDU based on rates established for July 1, 2015 through June 30, 2016. Additionally, the developer/owner will be responsible for making the connection to the existing main and extension of a lateral to the parcel.</p> |
| M 271 16 Authorize Notices/ Proposed McCabe Expansion of the Sussex County Unified SSD | <p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the proposed expansion of the Sussex County Unified Sanitary Sewer District to include Parcel 233-7.00-29.00 owned by Dennis R. McCabe, as presented on June 7, 2016.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p> |
| Old Business CU 2041 | <p>Under Old Business, the Council considered the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A</p> |

**Old
Business
CU 2041
(continued)**

RETAIL AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.0 ACRES, MORE OR LESS” (Conditional Use No. 2041) filed on behalf of Scott Randall Witzke (Tax Map I.D. No. 532-19.00-7.00) (911 Address: 8137 Delmar Road, Delmar).

The Planning and Zoning Commission held a Public Hearing on this application on January 28, 2016 at which time action was deferred. On February 11, 2016, the Commission recommended that the application be approved with the following conditions:

- a. No more than five (5) vehicles shall be displayed for sale on the site at any one time, and as stated by the Applicant, the vehicles shall be displayed only daylight hours.**
- b. The vehicles shall be displayed no closer than fifty (50) feet from the front property line. The display area location shall be shown on the Final Site Plan.**
- c. There shall be no more than 15 vehicles stored on the site for sale at any one time.**
- d. No auto repair work shall be performed on the vehicles at the site.**
- e. As stated by the Applicant, no automotive parts shall be sold from the site.**
- f. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- g. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site. In addition, no automotive parts shall be stored outside on the site.**
- h. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster location shall be shown on the Final Site Plan.**

The Sussex County Council held a Public Hearing on this application on April 12, 2016 at which time action was deferred.

**M 272 16
Adopt
Ordinance
No. 2450/
CU 2041**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2450 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.0 ACRES, MORE OR LESS” (Conditional Use No. 2041) filed on behalf of Scott Randall Witzke, with the following conditions:

- a. No more than five (5) vehicles shall be displayed for sale on the site at any one time, and as stated by the Applicant, the vehicles shall be displayed only daylight hours.**
- b. The vehicles shall be displayed no closer than fifty (50) feet from the front property line. The display area location shall be shown on the Final Site Plan.**

**M 272 16
Adopt
Ordinance
No. 2450/
CU 2041
(continued)**

- c. There shall be no more than 15 vehicles stored on the site for sale at any one time.
- d. No auto repair work shall be performed on the vehicles at the site.
- e. As stated by the Applicant, no automotive parts shall be sold from the site.
- f. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- g. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site. In addition, no automotive parts shall be stored outside on the site.
- h. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster location shall be shown on the Final Site Plan.

Motion Adopted: 3 Yeas, 2 Nays.

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

**Old
Business
CU 2042**

Under Old Business, the Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5,000 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2042) filed on behalf of Beachfire Brewing Company, LLC (Tax Map I.D. No. 334-13.20-24.00) (911 Address: 19841 Central Avenue, Rehoboth).

The Planning and Zoning Commission held a Public Hearing on this application on January 28, 2016 at which time action was deferred. On February 11, 2016, the Commission recommended that the application be approved, with the following conditions:

- a. The Applicant must comply with all State and Federal requirements for the brewery and tasting room operations.
- b. There shall not be any outside storage of materials associated with the brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.
- c. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.
- d. The use shall comply with all parking requirements that are contained in the Sussex County Zoning Ordinance.
- e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Old
Business
CU 2042
(continued)**

The County Council held a Public Hearing on this application on May 3, 2016 at which time action was deferred for the purpose of obtaining a parking schematic.

Lawrence Lank, Director of Planning and Zoning, stated that, on May 26, 2016, the Planning and Zoning Commission reviewed the parking layout with the Preliminary Site Plan, as requested. The Preliminary Plan shows six parking spaces including one handicap parking space. Four of the parking spaces are located in front of the building. The other two parking spaces are located along the side of the building. The parking calculation for a bar is one parking space for every 50 square feet of patron area and one parking space for every two employees on the largest shift. The Applicant's Engineer has reviewed and provided a floor plan indicating that the patron area will be 236 square feet. The patron area calculation requires five parking spaces. The number of employees on the largest shift is proposed to be two employees which requires one parking space. The total number of required parking spaces is six spaces and the plan provides six parking spaces. The site plan complies with the other items in the Zoning Code. Mr. Lank reported that the Commission took no action on the parking plan and referred the parking plan back to the staff to provide a report to the County Council. Mr. Lank further reported that, based on the staff's review of the parking plan as it relates to the site plan, the staff advises that the site plan complies with the requirements of the Zoning Ordinance.

**M 273 16
Adopt
Ordinance
No. 2451/
CU 2042**

A Motion was made by Mr. Arlett to Adopt Ordinance No. 2451 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2042) filed on behalf of Beachfire Brewing Company, LLC, with the following conditions:

- a. The Applicant must comply with all State and Federal requirements for the brewery and tasting room operations.**
- b. There shall not be any outside storage of materials associated with the brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.**
- c. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.**
- d. The use shall comply with all parking requirements that are contained in the Sussex County Zoning Ordinance.**
- e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Mr. Vincent passed the gavel to Mr. Wilson and Seconded the Motion made by Mr. Arlett.

**M 273 16
(continued)**

Motion Adopted: 4 Yeas, 1 Nays.

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

Mr. Wilson passed the Gavel back to Mr. Vincent.

**Old
Business/
Proposed
Ordinance
Relating
to Signs**

Under Old Business, the Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on May 12, 2016, at which time action was deferred.

On May 26, 2016, the Commission recommended adoption of the Proposed Ordinance with certain modifications (aka the Planning and Zoning Commission’s Recommended Version).

The County Council held a Public Hearing on the Proposed Ordinance on May 24, 2016 at which time action was deferred and the record was left open until June 7, 2016 for Council to review information, for a report from the Planning and Zoning Commission and staff, for submission of safety reports from David Hutt, and for the animation files submitted by Lynn Rogers. It was noted that all information requested has been submitted.

It was also noted that the following handouts were made available to the Council members: the original Introduced Ordinance, the Alternate Ordinance submitted by David Hutt, Attorney, Planning and Zoning Commission’s Recommended Version, and a Comparison Report.

Jamie Sharp, Assistant County Attorney; Vincent Robertson, Assistant County Attorney; and Lawrence Lank, Director of Planning and Zoning, were in attendance. The Council reviewed and considered the report comparing each ordinance version; the last column of the report included staff comments. In reviewing the document, in some cases the Council provided a decision/direction by consensus and in some cases a decision was deferred.

**M 274 16
Recess**

At 1:04 p.m., a Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to recess.

Motion Adopted: 5 Yeas.

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

Recess [The Council recessed briefly during the discussion on the Comparison Report.]

M 275 16 Reconvene A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to reconvene at 1:41 p.m.

Motion Adopted: 5 Yeas.

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

Old Business/ Proposed Ordinance Relating to Signs (continued) Following the recess, the discussion continued. The Council decided to delay discussion on non-conforming signs until the next Council meeting at which time the Comparison Report will be discussed again.

Mr. Lawson referred to Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGS" which was adopted to allow enough time for the Council to consider and vote on a sign ordinance update. On March 1, 2016, the Council voted to extend the moratorium for a period of three months, until June 15, 2016. Mr. Lawson advised that the Council may want to consider extending the moratorium since the Proposed Sign Ordinance has not been adopted.

Grant Requests Mrs. Jennings presented grant requests for the Council's consideration.

M 276 16 Countywide Youth Grant A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$2,000.00 from Countywide Youth Grants to FCA Bucks Football for program expenses.

Motion Adopted: 4 Yeas, 1 Nay.

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

M 277 16 Councilmanic Grant A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$500.00 (\$250.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to New Zion Youth Outreach Organization through UMC for event expenses.

Motion Adopted: 5 Yeas.

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

M 278 16 Councilmanic Grant **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$717.78 from Mr. Vincent's Councilmanic Grant Account to the Nanticoke Senior Center for defibrillator upgrades.**

Motion Adopted: 5 Yeas.

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

M 279 16 Go Into Executive Session **At 4:13 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to land acquisition, personnel, and potential litigation.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 4:14 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to land acquisition, personnel, and potential litigation. The Executive Session concluded at 4:59 p.m.**

M 280 16 Reconvene Regular Session **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

E/S Action **There was no action on Executive Session matters.**

M 281 16 Adjourn **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 5:00 p.m.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

{An audio recording of this meeting is available on the County's website.}