

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 8, 1994

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, February 8, 1994, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

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

M 058 94      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve      approve the minutes of the previous meeting dated February 1, Minutes      1994. Motion Adopted by Voice Vote.

Corre-      Mr. Schrader, Assistant County Attorney, read the following spondence      correspondence:

ROY J. WHITAKER, SEAFORD.  
RE: Plans for a County Parks and Recreation Department.

Food      Mr. Stickels, County Administrator, recognized three local Drive      schools for their participation in the "Carolling on The Recognition of      Circle" food drive. Georgetown Elementary School donated Three      823 parcels of food, more than any elementary school in the Local      County; Laurel Senior High School donated 450 parcels of Schools      food, more than any high school in the County; and Sussex Central Middle School donated 229 parcels of food, more than any middle school in the County.

M 059 94      A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt      Adopt a Proclamation entitled "PROCLAIMING WEDNESDAY, FEBRUARY Procla-      9, 1994, AS A DAY TO HONOR GEORGETOWN ELEMENTARY SCHOOL". mation

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 060 94      A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt      Adopt a Proclamation entitled "PROCLAIMING THURSDAY, FEBRUARY Procla-      10, 1994, AS A DAY TO HONOR LAUREL SENIOR HIGH SCHOOL". mation

Motion Adopted: 5 Yea.

February 8, 1994 - Page 2

M 060 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 061 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,  
Adopt to Adopt a Proclamation entitled "PROCLAIMING FRIDAY, FEBRUARY  
Procla- 11, 1994, AS A DAY TO HONOR SUSSEX CENTRAL MIDDLE SCHOOL".  
mation

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Representatives from each school were presented with a certified copy of the Proclamation and a Sussex County Flag.

\$17 Mr. Dukes welcomed Governor Thomas R. Carper, who was in  
Million attendance to present Council with a check in the amount of \$17  
Check million. The money, a low-interest loan from the State's Water  
Presented Pollution Control Revolving Loan Fund, will be used to help  
By build a wastewater treatment and collection system to serve the  
Governor West Rehoboth area. With the flexible loan terms, the average  
Carper annual sewer rates are approximately \$200 lower than earlier  
for estimates. The State has been working on several fronts with  
West the County to keep the West Rehoboth project affordable.  
Rehoboth Also in attendance to discuss the project was Christophe Tulou,  
Secretary of the Department of Natural Resources and Environ-  
mental Control.

Budget Carol Fitzgerald, Director of County Libraries, was present to  
Amend- request Council's consideration to submit a budget amendment for  
ment State Aid library funding in an amount not to exceed \$2,750.  
Request The funds would be used to engage the services of Information  
for Systems Consultants, Inc., a library automation and information  
State technology consulting firm, for a Needs Assessment. The Needs  
Aid Assessment would provide the County with specific recommendations  
Library for an automated library system for Sussex County, including cost  
Funding estimates needed for preparation of the FY '95 budget.

M 062 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, that the  
Authorize Sussex County Council authorizes the County Administrator to  
Budget submit a budget amendment for State Aid library funding to allow  
Amendment the County Council President to execute an agreement with  
Request Information Systems Consultants, Inc. for a Needs Assessment in  
for State an amount not to exceed \$2,750.

Aid  
Library Motion Adopted: 5 Yea.  
Funding

M 062 94 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Adminis- Mr. Stickels, County Administrator, discussed the following  
trator's information in his County Administrator's Report:  
Report

1. Correspondence - United States Army Corps of Engineers

Council was provided with a letter that was recently sent to Timothy Burns, Esquire, Assistant Attorney General, Environmental and Natural Resources Division, United States Department of Justice. The letter is urging the Army Corps of Engineers to issue a permit to allow for utility line crossings under the Bethany Loop Canal. Included with this letter was a copy of Resolution No. R 008 93 and a letter from Senator Roth, Senator Biden, and Congressman Castle supporting issuance of the permit.

2. Disposition of Bethany Beach Library Modular Building

Tom Sloan, State Librarian, Delaware Division of Libraries, has responded to Sussex County's request to allow for the transfer of the former Bethany Beach Library modular building to the Town of Bethany Beach. Mr. Sloan stated that the building will first have to be offered to the library community to see if anyone wishes to continue using the building for library services. If no one responds favorably to utilizing the building for library services, the building will then be turned over to the State Division of Purchasing. They will offer it to other State agencies. If no other State agency wants it, it will be sold at auction to the highest bidder.

The Town of Bethany Beach will be notified of Mr. Sloan's decision.

3. Zoning Violation

On January 31, 1994, Mr. Gary Illian of Laurel, Delaware, pleaded guilty to placing two manufactured homes on his property with no permits. Mr. Illian was cited by Mr. Robert Betts, Code Enforcement Officer for the Planning and Zoning Department, under the citation program. Mr. Illian has 30 days to remove the violations or be subject to a fine of \$50 per day.

Adminis-  
trator's  
Report  
(con't)

4. Dagsboro-Frankford Sanitary Sewer District

As of February 4, 1994, there were 335 connections to the Dagsboro-Frankford Sanitary Sewer District. This represents approximately 74 percent of the possible 448 connections. The final deadline for connecting to the sewer system is March 31, 1994. Property owners with improvements not connected by that date will automatically be billed for sewer service. Letters were sent to all residents not connected on January 31, 1994.

Cedar  
Creek  
Estates

Mr. Archut, Director of Planning and Permits, reviewed the estimated costs and charges for the proposed Cedar Creek Estates Streetlighting District. The estimated charges are \$23.56 per year per residential or business structure.

M 063 94  
Approve  
Estimated  
Costs for  
Proposed

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council hereby approves the estimated costs and charges prepared by the Sussex County Engineering Department for the Proposed Cedar Creek Estates Streetlighting District.

Cedar  
Creek  
Estates  
Street-  
lighting  
District

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Proposed  
Cedar  
Creek  
Estates  
Street-  
lighting  
District

Mr. Archut advised that the next step in establishing the Cedar Creek Estates Streetlighting district is to schedule a referendum. Mr. Archut submitted to Council for consideration a Proposed Resolution establishing the date, time and place of a referendum. Council requested that the location of the referendum be changed from Georgetown to a location closer to the Cedar Creek Estates area. No action was taken on the Proposed Resolution.

Bethany  
Beach  
Sanitary  
Sewer  
District

Mr. Archut, Director of Planning and Permits, discussed a request for a district boundary extension to the Bethany Beach Sanitary Sewer District. The request is to include property owned by Peter and Marybeth Fowler, adjacent to Ocean Way Estates.

M 064 94  
Prepare  
& Post  
Notices  
Bethany  
Beach  
SSD  
Extension

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Bethany Beach Sanitary Sewer District boundary to include property (Lot 2, 33,472 square feet) owned by Peter and Marybeth Fowler, adjacent to Ocean Way Estates, as presented on February 8, 1994.

M 064 94 Motion Adopted: 5 Yea.  
(con't)

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Boundary Extension Request Bethany Beach SSD Mr. Archut, Director of Planning and Permits, discussed a proposed extension to the Bethany Beach Sanitary Sewer District to include the remaining unsewered portions of Ocean Way Estates, Sections One and Two. This proposed extension was initiated by a request to include the Mize property in the Bethany Beach Sanitary Sewer District. As this was not the first request from the Ocean Way Estates area, Council was asked to consider extending the boundaries to include the remaining unsewered portions of Ocean Way Estates, Sections One and Two, which includes the Mize property.

M 065 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, that Prepare & Post Notices Bethany Beach SSD the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Bethany Beach Sanitary Sewer District Boundary to include the remaining unsewered portions of Ocean Way Estates, Sections One and Two, as presented on February 8, 1994.

Extension Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Laurel Landfill Mr. Izzo, Public Works Division Director, discussed the status of the Laurel Landfill, advising that the site is still on the Superfund List. As a result of the Remedial Investigation and Risk Assessment, officials of the Environmental Protection Agency (EPA) and legislative officials have agreed that the program Sussex County has in place, which calls for Groundwater Management Zones and the installation of an alternative water supply, is the best way to address the site. The EPA supports the County entering into an agreement (Notice of Conciliation) with the State of Delaware's Division of Natural Resources and Environmental Control to install a water system and provide monitoring of the groundwater in the area. Once this project is underway, the EPA will remove the site from the Superfund List. Mr. Izzo reviewed proposed costs for the project (Sussex County Project No. 93-11), as follows:

Laurel Landfill (con't)	Engineer's Estimate	\$380,000
	Residential Well Abandonment and Plumbing Charges	35,000
	Water Bills for Existing Residents	<u>9,000</u>
	TOTAL	\$424,000

M 066 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, Solicit that the Sussex County Council authorizes the Public Works Bids Division of the Sussex County Engineering Department to Project solicit bids for Sussex County Project No. 93-11 entitled #93-11 "Central Water System for Sussex County Landfill No. 5 - Laurel".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea; Mr. Collins, Yea; Mr. Stevenson, Yea; Mr. Dukes, Yea

C/U Conditional Use No. 1034, entitled "AN ORDINANCE TO GRANT A No. 1034 CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MANUFACTURED HOUSING COMMUNITY (MOBILE HOME PARK) WITH A PUBLIC GOLF COURSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 388.44 ACRES, MORE OR LESS", filed on behalf of Tunnell Properties, L.P., was discussed. A Public Hearing was held on this application on May 4, 1993, at which time the Public Hearing was closed and action was deferred. The record was left open for general purposes, including numerous agency responses.

M 067 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, Adopt to Adopt Ordinance No. 954 entitled "AN ORDINANCE TO GRANT Ordinance A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL No. 954 DISTRICT FOR A MANUFACTURED HOUSING COMMUNITY (MOBILE (C/U HOME PARK) WITH A PUBLIC GOLF COURSE TO BE LOCATED ON A No. 1034) CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 388.44 ACRES, MORE OR LESS" (Conditional Use No. 1034) filed on behalf of Tunnell Properties, L.P., with the following stipulations:

1. The preliminary site plan shall be required to be reviewed by the Technical Advisory Committee utilized through Chapter 99 of the Code of Sussex County.

M 067 94  
(con't)

2. The preliminary site plan shall be subject to review and approval of the Planning and Zoning Commission.
3. The preliminary site plan shall include a phasing schedule and projected time table for development of the site.
4. The golf course shall be a part of the first phase of residential development.
5. A minimum of 50 percent of open space shall be maintained within the project.
6. The developer shall comply with all recommendations of the State Department of Transportation (DelDOT) and shall include, but not be limited to, off-site improvements.
7. The developer shall comply with all conditions established in the Memorandum of Understanding between the developer and the State Department of Natural Resources and Environmental Control (DNREC) to protect the "Fens" adjoining Guinea Creek.
8. The maximum number of lots shall not exceed 726. The lots are established for lease only, not to be sold.
9. Central sewer system shall have all appropriate permits as a condition of final site plan approval by the Planning and Zoning Commission and shall include the following conditions:
  - a. The project shall be served by a central wastewater system using slow-rate land treatment (as defined in the "Guidance and Regulations Governing the Land Treatment of Wastes", which provides no direct discharge to surface waters;
  - b. Under no circumstances shall treated wastewater generated by the project be disposed within the boundaries of the Long Neck Sanitary Sewer District (LNSSD);
  - c. Under no circumstances shall sludge generated by treatment works which service the project be disposed within the boundaries of the LNSSD;
  - d. Under no circumstances shall additional treatment works to service the project be constructed within the boundaries of the LNSSD; and

M 067 94  
(con't)

10. Central water system shall have all appropriate agency permits, including fire protection as required by the Office of the State Fire Marshal.
11. No development activities shall be placed within wetlands.
12. Any perimeter buffer strips of open space (50'), presently wooded and not a part of the golf course, shall remain undisturbed. Any perimeter buffer strips, not presently wooded, shall be landscaped per recommendations of the State Forester.
13. Final approval by the Planning and Zoning Commission shall be subject to receipt of all appropriate agency approvals and/or permits.

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Nay;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Findings  
of Fact

The Council has reviewed and considered all comments made a part of the record during the public hearings and find that the application of Tunnell Companies, L.P. promotes the health, safety, morals, convenience, order, prosperity and general welfare based on the evidence and testimony presented by the applicant, including the following:

1. The proposed development will not adversely impact the Indian River School District, especially in light of the fact that construction of a new elementary school to serve the Long Neck area is planned and will be available for occupancy in late 1995 or early 1996.
2. The proposed development will not adversely impact police protective services.
3. The proposed development will not adversely impact on fire protection, especially since the development proposal includes a water system for the new community which shall meet the regulations of the Office of the State Fire Marshal and other Codes.
4. The Sussex County Council recognizes that County Route 24 requires widening, since portions of County Route 24 operate at a level of service "E" during peak summer periods. However, no moratorium on road improvements in Sussex County has been requested, contrary to the

Findings  
of Fact  
(con't)

Findings of DelDOT. The County finds that the required upgrading to Route 24 is necessary without regard to approval or lack of approval of this conditional use permit. The possibility of increased traffic will be minimized by the improvements of roads in the immediate area of the project as suggested by the State Department of Transportation (DelDOT), and as agreed to be made by the applicants, which will assume the expense of the improvements.

5. The proposed development will not significantly impact water services in the area. The applicants have received an acknowledgement from the Public Water Supply Company, Inc. that it is willing and able to provide water services to the development.
6. The proposed development will not adversely impact the provisions of services by Delaware Electric Cooperative, Inc., which has indicated that its current facilities are adequate to supply the residential area and golf course. Delaware Electric Cooperative, Inc. is willing and able to provide electric service.
7. The proposed development will not adversely impact wastewater management in the area. The site will be serviced by a spray irrigation system which will reuse treated wastewater to serve the golf course. The proposed wastewater management system will serve as an alternative to a tax base funded wastewater system.
8. The proposed development will provide affordable housing for people seeking to locate in a year-round community in a resort area.
9. The proposed development will provide a substantially direct economic benefit to the County in terms of jobs, payrolls, property taxes, school taxes, and other taxes. Furthermore, substantially secondary economic benefits will result from project residents patronizing local businesses and an increase in employment opportunities.
10. The proposed development will not reduce property values of neighboring communities, and to the contrary, research demonstrates that the proposed golf course will likely increase property values.
11. The proposed use is granted conditioned upon all improvements, as applicable, meeting all applicable environmental preservation requirements as imposed by federal or state statutes or regulations directly affecting improvements to the site.

Findings of Fact (con't)

12. Tree preservation is a planning element, and wetland preservation is a primary goal of the development proposal. The project design contemplates no intrusion into the wetlands, except for necessary road and golf course passageways. All improvements will be set back from wetland areas. The proposed development includes specific plans for wildlife preservation and enhancement, and provides for education of the community residents on the importance of preservation of the fen area.
13. The proposed development is consistent with the Coastal Sussex Land Use Plan since:
- a. The property is located in an area specifically designated by the Coastal Sussex Land Use Plan as a Development District;
  - b. The Coastal Sussex Land Use Plan contemplates that appropriate areas should be developed at a relatively higher density to prevent a depletion of agricultural lands by division into one-half acre subdivision lots;
  - c. The property is located near a village type center proposed by the Plan;
  - d. The property provides an alternative source of recreation from the inland bays and beach areas by providing a public golf course on site;
  - e. The development plan conforms with or exceeds all setbacks or open space; and
  - f. The development plan shall conform with and exceed wetland protection provisions as required by the stipulations imposed.

C/Z  
No. 1189

Change of Zone No. 1189, entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.82 ACRES MORE OR LESS", filed on behalf of Tunnell Companies, L.P., was discussed. A Public Hearing was held on this application on May 4, 1993, at which time the Public Hearing was closed and action was deferred.

M 068 94  
Adopt  
Ordinance  
No. 955

A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Ordinance No. 955 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMER-

M 068 94  
(con't) CIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING  
IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.82  
ACRES, MORE OR LESS" (Change of Zone No. 1189) filed on  
behalf of Tunnell Companies, L.P.

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Nay;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Findings of Fact The Council has reviewed and considered all comments made a part of the record during the public hearings and find that the application of Tunnell Companies, L.P. promotes the health, safety, morals, convenience, order, prosperity and general welfare based on the evidence and testimony presented by the applicant, and that the request for rezoning is an appropriate legislative action based on the following:

1. The rezoning to C-1 General Commercial is in accordance with the Coastal Sussex Land Use Plan in that:
  - a. The proposed commercial development is consistent with the predominant pattern of commercial development along Long Neck Road.
  - b. Residential zoning with respect to the 6.82 acre parcel is inappropriate because of its proximity to Long Neck Road.
  - c. The proposed commercial development would result in no significant adverse effects on the surrounding area nor would it adversely affect the availability of services, utilities, etc..., in the area.
  - d. A satellite medical center as proposed to service regional health needs is compatible with the Land Use Plan at Chapter 5-4.
  - e. The property is located near a village type center proposed by the Plan.
2. The rezoning to C-1 General Commercial is consistent with the general health, safety and welfare of the area in that:
  - a. The proposed development will not adversely impact police protective services.

Findings  
of Fact  
(con't)

- b. The proposed development will not adversely impact fire protection, the development proposal includes a water system for the new community which shall meet the regulations of the Office of the State Fire Marshal and other Codes.
  - c. The possibility of increased traffic will be minimized by the improvements of roads in the immediate area of the project as recommended by the State Department of Transportation (DelDOT), and as agreed to be made by the applicants, which will assume the expense of these improvements.
  - d. The proposed development will not significantly impact water services in the area. The applicants have received an acknowledgement from the Public Water Supply Company, Inc. that it is willing and able to provide water services to the development.
  - e. Delaware Electric Cooperative, Inc. has indicated that its current facilities are adequate to supply the residential/commercial area and the golf course.
  - f. The proposed development will not adversely impact wastewater management in the area.
  - g. The proposed development will create new job opportunities in the area.
  - h. The proposed development is intended to provide convenient, high-quality medical services to area residents.
  - i. The proposed development will not reduce property values of neighboring communities.
3. Need for C-1 General Commercial rezoning:
- a. The proposed commercial development has been made subject to enforceable use restrictions by the developers which the County cannot require in the rezoning process but can recognize as being factually evident.
  - b. The developer has agreed to restrictive covenants which would ensure against inappropriate commercial activities.

M 069 94 A Motion was made by Mr. Stevenson, seconded by Mr. Cole,  
Council- to give \$1,000.00, \$200.00 from each Councilmanic Account,  
manic to the Sussex County Veterans Council to purchase flags to  
Grant be used as grave markers for the Memorial Day Observance.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 070 94 A Motion was made by Mr. Benson, seconded by Mr. Collins,  
Council- to provide two porta-potties at Broadkill Beach from May  
manic through October, with the cost to be deducted from Mr.  
Grant Benson's Councilmanic Account.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 071 94 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Council- give \$100.00 from Mr. Collins' Councilmanic Account to the  
manic Delmar Junior-Senior High School for their "Drug Awareness  
Grant Program".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Proposed Mr. Cole introduced a Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX  
COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A  
C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND  
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CON-  
TAINING 2.14 ACRES, MORE OR LESS" (Change of Zone No. 1222)  
filed on behalf of Daniel W. and Ellen M. Magee. The  
Proposed Ordinance will be advertised for Public Hearing.

M 072 94 A Motion was made by Mr. Collins, seconded by Mr. Benson,  
Executive that the Sussex County Council authorizes the scheduling of  
Session an Executive Session on Tuesday, February 15, 1994, at  
9:00 a.m., in the Sussex County Council Chambers, in the  
Courthouse, The Circle, Georgetown, Delaware, for the  
purpose of discussing pending litigation.

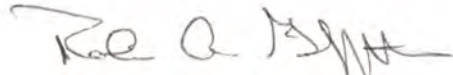
Motion Adopted: 5 Yea.

February 8, 1994 - Page 14

M 072 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 073 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,  
Adjourn to adjourn at 12:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council