

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 13, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 13, 1996, 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

A moment of silence was observed in memory of Sussex County Paramedic Donald M. Dempsey who died on February 11, 1996.

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

M 056 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Amend & Approve Agenda amend the Agenda to include "Veterans of the Vietnam War, Inc." and to Adopt the Agenda, as amended. Motion Adopted by Voice Vote.

M 057 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated February 6, 1996. Motion Adopted by Voice Vote.

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

DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE.
RE: Proposed Solid Waste Management System Fee.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit. (Applicant: Delaware Department of Natural Resources and Environmental Control. Waterway: Atlantic Ocean.)

DIALYSIS SERVICES DIVISION, NATIONAL MEDICAL CARE, INC., MILLSBORO, DELAWARE.
RE: Letter commending the Sussex County Emergency Operations Center for the help they gave the Millsboro Dialysis Unit during the last two snow storms.

JOHN S. WALLS, STATE DIRECTOR, UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL ECONOMIC AND COMMUNITY DEVELOPMENT, CAMDEN, DELAWARE.
RE: Letter of appreciation for the hospitality extended to USDA Under Secretary Jill Long Thompson during her recent visit.

INTERFAITH HOUSING, SUSSEX CHAPTER, OCEAN VIEW, DELAWARE.
RE: Invitation to attend the dedication of Pepper Ridge Park's Community Center on Sunday, February 25, 1996.

Certificate Presentation Mr. Ray Stanfield, representing the Veterans of the Vietnam War, Inc., presented a Certificate of Appreciation to the Sussex County Council "In Recognition of Humanitarian Service and Exceptional Support".

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING THE MONTH OF FEBRUARY AS 'AMERICAN HEART MONTH'".

M 058 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Proclamation Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF FEBRUARY AS 'AMERICAN HEART MONTH'".

"American Heart Month" Motion Adopted: 4 Yea, 1 Absent.

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

Proclamation In attendance to accept the Proclamation were Dr. Toccafondi, President, Sussex Division, American Heart Association and Mrs. Wingard, Division Manager, American Heart Association. Dr. Toccafondi presented an American Heart Association Certificate to Sgt. Christian Plack of the Milford Police Department for his role in saving the life of his niece. With the use of CPR, Sgt. Plack was able to save the life of his niece.

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING MONDAY, FEBRUARY 19, 1996, AS 'NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES DAY'".

M 059 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Proclamation Adopt the Proclamation entitled "PROCLAIMING MONDAY, FEBRUARY 19, 1996, AS 'NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES DAY'".

"NARFE Day" Motion Adopted: 4 Yea, 1 Absent.

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

Proclamation Mr. Robert Holt and other members of the National Association of Retired Federal Employees were present to accept the Proclamation.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO DEVELOPMENT IN THE C-1 GENERAL COMMERCIAL ZONING DISTRICT AND THE B-1 NEIGHBORHOOD

Proposed Ordinance (con't) BUSINESS ZONING DISTRICT, TO ADD A NEW PROVISION CREATING A C-2 SPECIAL COMMERCIAL ZONING DISTRICT, TO AMEND THE PROVISIONS RELATING TO OFF-STREET PARKING AND OFF-STREET LOADING, AND TO BRING OTHER PROVISIONS OF CHAPTER 115 IN CONFORMITY WITH THESE AMENDMENTS". The Proposed Ordinance will be advertised for Public Hearing.

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

1. Sussex County Association of Towns (SCAT)

There will be a special SCAT Steering Committee meeting Thursday, February 15, 1996, at 9:00 a.m. at the Mill Pond Restaurant in Millsboro, Delaware. The purpose of the meeting is to discuss the proposed Resolution relating to an action plan regarding Sussex County as a major Latino immigration destination.

2. Presidents' Day

Sussex County offices will be closed Monday, February 19, 1996, to allow County employees to observe Presidents' Day. County offices will reopen on Tuesday, February 20, 1996, at 8:30 a.m.

3. Land Use Workshop

There will be a Land Use Workshop on Wednesday, February 21, 1996, at Delaware Technical & Community College, Jack F. Owens Campus in Georgetown, in the Theater starting at 7:00 p.m.

4. Manufactured Home Factory Tour

The Sussex County Council will be visiting the Skyline Homes facility in Leola, Pennsylvania, on Thursday, February 22, 1996, to see a firsthand presentation on how the factory constructed process of HUD code homes are built. The bus will be leaving at 6:30 a.m. from the Courthouse parking lot and arriving back in Georgetown approximately 5:00 p.m. Any members of the media who wish to attend this tour should contact Ms. Phyllis McKinley at 674-5868.

5. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

It has been brought to Mr. Stickels' attention, through recent newspaper articles and inquiries from individuals, that some individuals have expressed their intention to

Adminis-
trator's
Report
(con't)

institute litigation challenging the legality of the formation of the expansion of the Dewey Beach Sanitary Sewer District. In case there are questions regarding Council's procedures in creating the district, included with this report was a copy of a letter dated December 8, 1992, from Peter B. Jones. This letter explains the statutory provisions in creating a sewer district, the procedure which was utilized in Mr. Jones' opinion.

Additionally, a Complaint was filed in the Superior Court of the State of Delaware, in and for Kent County, by the Citizens for Affordable Sewers against Sussex County, in which the organization, among other things, challenged the legality of the creation of the West Rehoboth Expansion. After negotiations with the organization, that issue, along with all other issues, was resolved by Stipulation of Dismissal, a copy of which was included with this report and which was docketed with the Superior Court in June 1993. The stipulation states "with prejudice", which means that the matter was resolved by agreement between the parties the same as if it had been fully litigated and, as a result thereof, may not be litigated again.

The Resolution creating the expanded district was adopted on March 22, 1990, and in the six years since its adoption, in excess of \$70 million has been spent by the County in the design, construction, and operation of the West Rehoboth Expansion. Because of the passage of time, the termination of prior litigation with prejudice, and the large sums of money expended by the County to date, Mr. Jones and Mr. Dennis Schrader are of the opinion that the County's position regarding any future litigation is defensible. Mr. Schrader and Mr. Jones are of the opinion that if the County was sued on this basis, there would be a very good likelihood that the County would succeed in that litigation.

Questions regarding this subject should be directed to Robert L. Stickels, County Administrator.

Change
Orders

Mr. Green, Director of Utility Construction, discussed three change orders relating to the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 060 96
Approve
Change
Order
No. 10/
West
Rehoboth

A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 10, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract B, Design Areas 4, 10, 11, 12, and 13, to

M 060 96 R. E. Pierson Construction Company, for an amount of \$40,858.82,
(con't) for additional traffic cleanouts, additional paving width as directed by DelDOT, and installation and three (3) year maintenance of well water treatment systems as directed by Department of Natural Resources and Environmental Control, with an unrevised substantial completion date of December 19, 1995, and increasing this contract amount to \$8,330,347.22, contingent on the approval of the following agency, Rural Economic and Community Development.

Motion Adopted: 4 Yea, 1 Absent.

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

M 061 96 A Motion was made by Mr. Benson, seconded by Mr. Cole, based
Approve on the recommendation of the Inspection Engineer, George, Miles, & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 11, for
Change Order No. 11/ the West Rehoboth Expansion of the Dewey Beach Sanitary
West Rehoboth Sewer District, Contract B, Design Areas 4, 10, 11, 12, and 13, to R. E. Pierson Construction Company, for a credit amount of \$124,581.95, for line item quantity adjustments to the original contract, with an unrevised substantial completion date of December 19, 1995, and decreasing this contract amount to \$8,205,765.27, contingent on the approval of Rural Economic and Community Development.

Motion Adopted: 4 Yea, 1 Absent.

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

M 062 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, based
Approve on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the
Change Order Sussex County Council authorizes the Sussex County Council
Order President to issue Change Order No. 2, for the West Rehoboth
No. 2/ Expansion of the Dewey Beach Sanitary Sewer District, Con-
West struction Package F, to Lisbon Contractors, Inc., in the
Rehoboth amount of \$5,681.52, for relocation of six (6) lift station control panels, with an unrevised substantial completion date of December 29, 1995, increasing this contract amount to \$1,754,789.52, contingent on the approval of the Department of Natural Resources and Environmental Control and Rural Economic and Community Development.

Motion Adopted: 4 Yea, 1 Absent.

M 062 96 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Absent;
Mr. Dukes, Yea

The Pines of Long Neck Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance for the wastewater facilities constructed in "The Pines of Long Neck" located in the Long Neck Sanitary Sewer District.

M 063 96 Grant Beneficial Acceptance/ The Pines of Long Neck A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in "The Pines of Long Neck", located in the Long Neck Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

Contract Revision with GM&B/ Phase III/ West Rehoboth Mr. Wood, County Engineer, discussed a contract revision with George, Miles & Buhr, in the amount of \$160,000, for aerial photogrammetry, and topographic and surveying work for Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. To avoid a delay in obtaining a detailed design of the area, Mr. Wood stressed the need for this work to be performed while there are no leaves on the trees. Although funding has not been lined up for the entire Phase III project, it is felt that the best approach to take is to fund this initial work now, while the time is right, versus having to wait until the Fall.

M 064 96 Approve Contract Revision with GM&B/ Phase III/ West Rehoboth A Motion was made by Mr. Collins, seconded by Mr. Benson, based on the recommendation of the County Engineering Department, that the County Council authorizes the Council President to enter into a contract revision with George, Miles & Buhr for the not-to-exceed amount of \$160,000.00 for aerial photogrammetry, and topographic and surveying work for the Phase III Expansion of the West Rehoboth Sanitary Sewer District, bringing the new design contract total to \$5,724,430.00. This work is to be awarded pending the conditional approvals of the funding agencies, Department of Natural Resources and Environmental Control and Rural Economic and Community Development Agency.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.60 ACRES, MORE OR LESS" (Change of Zone No. 1278) filed on behalf of Thomas S. Dale. The Proposed Ordinance will be advertised for Public Hearing.

M 065 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$260.00 from Mr. Collins' Councilmanic Account to the Delmar School District for monthly costs associated with radio communication devices on school buses.

Motion Adopted: 4 Yea, 1 Absent.

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

M 066 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$150.00 from Mr. Collins' Councilmanic Account to the Laurel Little League to assist in funding a concession stand or other improvements to the Clifford F. Lee Ball Park.

Motion Adopted: 4 Yea, 1 Absent.

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

M 067 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$300.00, \$150.00 from Mr. Dukes' Councilmanic Account and \$150.00 from Mr. Collins' Councilmanic Account, to the Laurel Public Library for roof repairs.

Motion Adopted: 4 Yea, 1 Absent.

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

M 068 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$400.00, \$200.00 from Mr. Dukes' Councilmanic Account and \$200.00 from Mr. Collins' Councilmanic Account, to the Laurel Fire Department, Inc. to assist in funding the purchase of a new generator.

Motion Adopted: 4 Yea; 1 Absent.

M 068 96 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Absent;
Mr. Dukes, Yea

M 069 96 At 11:38 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

Reconvene Mr. Dukes called Council back into session.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
(C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR A TANNING SALON TO BE
No. 1143) LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD
CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.37 ACRES, MORE OR
LESS" (Conditional Use No. 1143) filed on behalf of Shirley
A. Sato. There were no public comments in opposition to this
application. The Public Hearing was closed.

M 070 96 A Motion was made by Mr. Benson, seconded by Mr. Collins, to
Adopt Adopt Ordinance No. 1077 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1077 DISTRICT FOR A TANNING SALON TO BE LOCATED ON A CERTAIN PARCEL
(C/U OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY,
No. 1143) CONTAINING 0.37 ACRES, MORE OR LESS" (Conditional Use No. 1143)
filed on behalf of Shirley A. Sato, with the following condi-
tions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. One unlighted sign, not exceeding 32 square feet per side or facing, may be permitted.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings The Council found that the conditional use was appropriate
of Fact legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the site was formerly used as a pre-existing, non-conforming, commercial shop and that the proposed use will be much less traffic-intensive than the former use.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the community, property values therein, the environment or traffic in the area.

Findings
of Fact
(con't)

3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1145)

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 EXPANSION TO CONDITIONAL USE NO. 333 (OFFICE, WAREHOUSE AND RETAIL SALES) BY ADDING PROFESSIONAL SERVICES AND GENERAL REPAIR INCLUDING RECONDITIONING OF COMMERCIAL BEARINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.97 ACRES, MORE OR LESS" (Conditional Use No. 1145) filed on behalf of Preston Louis McIlvaine. There were no public comments in opposition to this application. The Public Hearing was closed.

M 071 96
Adopt
Ordinance
No. 1078
(C/U
No. 1145)

A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 1078 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL USE NO. 333 (OFFICE, WAREHOUSE AND RETAIL SALES) BY ADDING PROFESSIONAL SERVICES AND GENERAL REPAIR INCLUDING RECONDITIONING OF COMMERCIAL BEARINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.97 ACRES, MORE OR LESS" (Conditional Use No. 1145) filed on behalf of Preston Louis McIlvaine, with the following condition:

1. The applicant shall obtain final site plan review and approval from the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will be wholly contained within an existing structure on a site already developed for commercial and business uses.
2. The proposed use will have no adverse impact on the character of the neighborhood, property values therein, the environment or traffic in the area.

Findings
of Fact
(con't)

3. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1273)

A Public Hearing was held on the Proposed Ordinance 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.51 ACRES, MORE OR LESS" (Change of Zone No. 1273) filed on behalf of James R. Revell. There were no public comments in opposition to this application. The Public Hearing was closed.

M 072 96
Adopt
Ordinance
No. 1079
(C/Z
No. 1273)

A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Ordinance No. 1079 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.51 ACRES, MORE OR LESS" (Change of Zone No. 1273) filed on behalf of James R. Revell.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings
of Fact

The Council found that the Change of Zone was appropriate legislative action based on the following findings of fact:

1. The applicant established that the site adjoins a commercial zone and a number of local businesses. The activity on site will promote employment and will serve an area need.
2. The applicant established by substantial evidence that the change of zone will have no adverse impact on the character of the neighborhood, property values therein, the environment or traffic in the area.
3. The change of zone meets the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1272)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 57.99 ACRES, MORE OR LESS" (Change of Zone No. 1272) filed on behalf of Sussex Land Co. It was noted that the applicant is now requesting the change of zone for a reduced acreage - 250 feet deep around the perimeter of the property. Numerous public comments were heard in opposition to the Proposed Ordinance. The Public Hearing was closed.

M 073 96
Defer
Action
on C/Z
No. 1272

A Motion was made by Mr. Benson, seconded by Mr. Collins, to defer action on the Proposed Ordinance and to hold the record open to allow time to develop information regarding the ownership of Road 226.

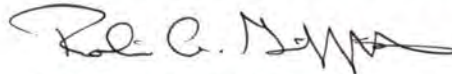
Motion Adopted: 4 Yea, 1 Absent.

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

M 074 96
Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 3:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council