

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 11, 2000

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 11, 2000, at 10:00 a.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
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 170 00 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to amend the
Approve Agenda to include "Request for Executive Session" and "Introduction of
Agenda Proposed Zoning Ordinances", and to approve the Agenda, as amended.

Motion Adopted: 4 Yea, 1 Absent.

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

M 171 00 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to approve the
Approve minutes of the April 4, 2000 meeting, as distributed.
Minutes

Motion Adopted: 4 Yea, 1 Absent.

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

Corre- Mr. Bayard read the following correspondence:
spondence

WILLIAM V. ROTH, SR., U.S. SENATE, WASHINGTON, D.C.
RE: Letter to Robert Stickels regarding assistance with financing for the West
Rehoboth Sewer District project.

M 172 00
Adopt
Procla-
mation

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING APRIL 9 THROUGH APRIL 15, 2000, AS 'NATIONAL LIBRARY WEEK'".

Motion Adopted: 4 Yea, 1 Absent.

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

Mr. Cole joined the meeting.

Holding
Tank
Compliance
Inspection
Program

Mr. Stickels and Rodney Wyatt, Program Manager, Ground Water Discharge Section, Division of Water Resources, Department of Natural Resources and Environmental Control, advised that they have been working together on House Resolution 32 relating to the Indian River watershed and the protection of the environment. During the working committee meetings, it was identified that there are illegal discharges of wastewater from holding tanks onto the ground and into the waters of the Inland Bays and Atlantic Ocean Basin. This wastewater contains nutrients that are detrimental to the watershed. To eliminate these discharges, the establishment of a wastewater holding tank compliance inspection program has been recommended. The estimated cost to establish this inspection program is \$75,000. The Department of Natural Resources and Environmental Control is asking that the County fund one-third of the cost (\$25,000) of this program. Representative Shirley Price has committed to matching the County's \$25,000 and the Center for the Inland Bays will be applying for a Federal grant in the amount of \$25,000. It was noted that this is a one-year obligation.

M 173 00
Authorize
Funds for
Holding
Tank
Compliance
Inspection
Program

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council authorizes the expenditure of \$25,000 for the development of a holding tank compliance inspection program, contingent on matching funds from the Delaware General Assembly and the Center for the Inland Bays.

Motion Adopted: 5 Yea.

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

Council's
Support
of the
County's
Infrastructure
Needs

Mr. Phillips commented on his affirmative vote and noted, for the record, that this is an issue the State should be responsible for and; further, that the Council's consensus to provide funding for this project is another example of the Sussex County Council doing its fair share when it comes to the infrastructure needs of the County. Mr. Jones, Mr. Dukes, and Mr. Rogers voiced their support of Mr. Phillips' comments.

Used/
Surplus
Wastewater
Equipment

Mr. Stickels reported that, due to safety considerations, the Operations and Maintenance Division changed the chlorination systems at the wastewater treatment facilities from chlorine gas to liquid sodium hypochlorite. As a result, the County has the following used/surplus gas chlorination equipment in storage:

1. Dual mechanical scale, purchased in 1993 at a cost of \$1,200.
2. Storage trunions, purchased in 1996 at a cost of \$450.
3. One ton cylinder scales, purchased in 1996 at a cost of \$7,485.

Mr. Stickels advised that a request has been received from the Environmental Training Center of the Delaware Technical & Community College for the donation of any equipment the County does not use. The Environmental Training Center is in the process of setting up different types of pumps, motors, and equipment. As Sussex County employees use the training center, County staff is recommending that this equipment be donated to the college.

M 174 00
Authorize
Donation
of Used/
Surplus
Wastewater
Equipment
to DT&CC

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to authorize the transfer of surplus wastewater equipment to the Environmental Training Center of the Delaware Technical & Community College.

Motion Adopted: 5 Yea.

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

M 175 00
Authorize
Executive
Session

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to authorize an Executive Session to be held on Tuesday, April 18, 2000, at the conclusion of the regular County Council meeting, in the Emergency Operations Center building in Georgetown, for the purpose of discussing personnel.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Universal Outdoor, Inc., v. Sussex County Board of Adjustment

I am pleased to inform the Council that on March 31, 2000, the Superior Court of the State of Delaware ruled in favor of the Sussex County Board of Adjustment v. Universal Outdoor, Inc. Universal Outdoor, Inc. took down an old wooden billboard and erected a new steel one, claiming that they were merely repairing or renovating an existing nonconforming use.

Adminis-
trator's
Report
(continued)

The billboard also exceeded the maximum height set forth in the County's ordinance. The Board of Adjustment decided against Universal, and Superior Court has upheld that position. Absent an appeal to the Delaware Supreme Court, the billboard will have to be removed.

2. Roxana Cheer Center

The Roxana Cheer Center is hosting their 26th Open House on May 5, 2000. This is the start of a month-long celebration of Older Americans Month at the Center. The Cheer Center is located at Pyle Center Road, Frankford, Delaware. The celebration will take place from 9:30 a.m. until 2:00 p.m.

3. Surplus County Property

Please be advised that the County has gone to settlement for the surplus property that was located at 11 South Race Street and vacant Parking Lot E in Georgetown. The settlement took place on April 3, 2000. The County received \$111,000 for the property. This property will be placed back on the County, Indian River School District, and Town of Georgetown tax rolls. The property was purchased by Eric Mooney and will be utilized for a law office.

Central
Storage
at Long
Neck
(Complaint)

Council discussed the complaint made by the Woodlyn Estates Homeowners Association, Inc. regarding Ordinance No. 1327 (Change of Zone No. 1383) filed on behalf of Central Storage at Long Neck which was approved by the Sussex County Council on July 13, 1999. The complaint filed is that the applicant failed to comply with his commitment to maintain a 50 foot setback buffer of trees. The neighbors have stated that some of the wooded area has been destroyed.

Mr. Bayard advised Council that the Planning and Zoning Commission has exclusive jurisdiction over site plan review and approval, and it is within their realm of responsibility to take action on any violations thereof.

Mr. Bayard advised that the Planning and Zoning Commission will be reviewing this issue during their public meeting on April 27, 2000, at 7:30 p.m.

Mr. Phillips asked Mr. Lank to communicate to the Commission that he would like for public comments to be accepted regarding this issue.

Update/
CMF
Bayside,
L.L.C./
(C/Z
No. 1393)

The Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

Update/
CMF
Bayside,
L.L.C.
(continued)

CONTAINING 887.03 ACRES, MORE OR LESS” (Change of Zone No. 1393) filed on behalf of CMF Bayside, L.L.C. was discussed. The County Council held a Public Hearing on this application on April 4, 2000, at which time action was deferred and the record was left open for a period of one week, until the close of business on Tuesday, April 11, 2000.

Mr. Lank, Director of Planning and Zoning, distributed and reviewed correspondence received since the Public Hearing. Of particular interest was the letter received from Tom Shafer relating to an Environmental Site Assessment and an Environmental Impact Statement. Mr. Shafer has offered his services to review the submitted materials relating to the CMF Bayside application for accuracy and completeness.

Mr. Cole stated that he would like the applicant to provide an Environmental Site Assessment as it relates to stormwater, endangered species, forestation, wetlands, and marina activities. Mr. Bayard advised Mr. Cole that the letters received from ERI (Environmental Resources, Inc.) address these issues.

Mr. Cole expressed interest in retaining the services of Tom Shafer to assist in the review of the submitted materials.

Mr. Phillips suggested that Council take the opportunity to read the information submitted prior to making any decisions on retaining the services of a consultant.

It was noted that the cost for employing the services of Tom Shafer would be approximately \$6,000.

M 176 00
Retain
Consultant
Services
Relating
to CMF
Bayside,
L.L.C.

A Motion was made by Mr. Cole, seconded by Mr. Jones, to retain the services of Tom Shafer for the review of materials submitted for accuracy and completeness (relating to Change of Zone No. 1393, CMF Bayside, L.L.C.)

Motion Denied: 3 Nay, 2 Yea.

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

Sewer
Funding/
Ocean View,
Cedar Neck,
Holts
Landing,
and
SCRWF

Mr. Baker discussed sewer funding for the Holts Landing Sanitary Sewer District, Ocean View and Cedar Neck expansions of the Bethany Beach Sanitary Sewer District, South Coastal Regional Wastewater Facility upgrades, and improvements to the North Millville area. These projects will eliminate approximately 2,133 septic systems and prevent future septic systems from being installed in these sewer districts. Septic systems in these sewer districts discharge to ground waters that feed the Inland Bays. The additional wastewater will be treated at the expanded/upgraded South Coastal Regional Wastewater Facility. The estimated total cost of the projects is \$26,855,000.

Sewer
Funding
(continued)

In January, the County requested funds from the State of Delaware Wastewater Advisory Council for grants and low interest loans to finance these projects. The County's request has been approved. This funding will substantially reduce user rates for these projects. Grants are from the State of Delaware 21st Century Fund and the low interest loans (1 1/2%) are from the State of Delaware SRF Fund.

The Delaware Water Pollution Control Revolving Fund has authorized a loan in the amount of \$13,752,100 for a term of twenty years at an interest rate of one and one half percent (1.5%). The loan will be secured by a General Obligation Pledge. The County will be allowed one year of interest only payments after the date of project completion.

The State of Delaware 21st Century Fund has authorized a grant in the amount of \$5,450,000. This grant may only be expended for construction, legal and administration, engineering, project inspection, construction interest and contingency expenses related to the wastewater collection, transmission, treatment and disposal improvements.

Mr. Baker reviewed the estimated total cost of the projects and the funding for the projects:

Estimated Total Cost of Projects

Cedar Neck	\$11,530,000
Ocean View	\$ 8,050,000
North Millville	\$ 365,000
SCRWF – pump station & improvements	\$ 2,900,000
SCRWF – headworks	\$ 900,000
Holts Landing	<u>\$ 3,110,000</u>
Estimated Total Cost of Projects	\$26,855,000

Mr. Baker reviewed the funding request summary and discussed estimated customer charges for the projects. It was noted that the original rate estimate for the Cedar Neck area was \$808.00; with this loan/grant funding, the rate will be reduced to \$517.00. The original rate estimated for the Ocean View area was \$819.00; with this loan/grant funding, the rate will be reduced to \$593.00.

M 177 00
Approve
Sewer
Funding

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council authorizes the County Administrator to approve the Delaware Water Pollution Control Revolving Fund Loan Agreement for \$13,752,100 and the State of Delaware 21st Century Fund Grant Agreement for \$5,450,000.

M 177 00
Approve
Sewer
Funding
(continued)

These agreements will authorize funding for the Holts Landing Sanitary Sewer District, Ocean View and Cedar Neck expansions of the Bethany Beach Sanitary Sewer District, South Coastal Regional Wastewater Facility upgrades, and improvements to the North Millville area.

Motion Adopted: 5 Yea.

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

Public
Hearing/
New
Road
Extension

A Public Hearing was held to consider extending the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to include parcels along New Road, situate east of State of Delaware Route One and north of New Road near the Town of Lewes. There were no public comments and the Public Hearing was closed.

M 178 00
Adopt
Resolution
No.
R 021 00

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 021 00 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT (WRX) TO INCLUDE PARCELS ALONG NEW ROAD, LYING CONTIGUOUS TO THE WRX, SITUATE EAST OF STATE OF DELAWARE ROUTE ONE AND NORTH OF NEW ROAD, AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

Holts
Landing
SSD/
Collection
Evaluation

Mr. Izzo, County Engineer; discussed the Holts Landing Sanitary Sewer District, which encompasses the Bay Colony and Fairway Villas subdivisions. These subdivisions have a small diameter gravity sewer system with septic tanks, as well as an on-site wastewater treatment system. When the Holts Landing Sanitary Sewer District was established, it was the County's intention to take their wastewater treatment system off-line and transmit the collected wastewater to the South Coastal Regional Wastewater Facility; the collection system would continue to be operated and maintained by Utility Systems Inc, a private entity. However, the residents of Bay Colony and Fairway Villas have spoken to representatives of the County regarding their interest in the County taking over the existing collection system. As a result, the Council authorized the Engineering Department to perform an evaluation/engineering study regarding the feasibility of the County taking over the system.

Holts
Landing
SSD/
Collection
Evaluation
(continued)

Mr. Izzo, County Engineer; Mr. Archut, Assistant County Engineer; and Mr. Dennis Hasson of Whitman, Requardt & Associates, reported on the evaluation that was performed. The evaluation identifies the cost of (1) upgrading the system to something the County would agree to operate and (2) identify the actual operations costs associated with it.

Mr. Hasson advised that the purpose of the evaluation was to take a brief snapshot of the system with respect to Ordinance 38 standards; inspect the pumping stations; identify any potential maintenance issues, and estimate the cost to bring the system up to Ordinance 38 standards.

Mr. Hasson reported the following potential costs:

- (1) The cost to bring their pumping stations up to Ordinance 38 standards is approximately \$274,000.
- (2) The cost to install septic tanks that are not in place; to map the sewer system with electronic means; to repair damage clean outs; and to obtain easements, would cost approximately \$1,000,000.
- (3) Annual operation and maintenance costs for collection and conveyance would be approximately \$50,000.
- (4) Future costs (\$165,000) are projected to include a 6" sewer line and a 4" force main.

Mr. Hasson reviewed Whitman, Requardt & Associates evaluation conclusions and recommendations:

Prior to assuming any kind of responsibility for the system, the County should verify that the pumps are adequate and pumping at capacity at the Main Pumping Station A1; upgrade the pumping stations to Ordinance 38 standards; identify and acquire easements; and have the utility abandon the on-site treatment system in accordance with DNREC's standards.

Mr. Archut advised that the collection system does not meet the County's normal requirements; that a small diameter gravity sewer system will take additional work and effort to operate and maintain; that there are certain upgrades that will have to be done; that there will be certain expenses associated with operating the system that are unique to this system; and that the rates will not be similar to rates in the County's other sewer districts.

Mr. Archut reviewed the service charge calculation based on the evaluation report:

Service Charge

Annual Operations and Maintenance of Collection System \$ 50,000

Holts
Landing
SSD/
Collection
Evaluation
(continued)

222 EDUs as of April 1, 2000.	
\$50,000 divided by 222 EDUs =	\$225.00 per EDU
SCRWF Charges	\$ <u>185.00 per EDU</u>
Total Annual Service Charge (usage charge)	\$ 410.00 per EDU

Connection Charge

Estimated cost per new home	\$1,388.00
Current estimated connection charge	<u>\$2,350.00</u>
Total fee per new home	\$3,738.00

* New homes will also pay an additional impact fee.

Mr. Archut advised that there is also a front footage charge. The current front footage charge is estimated at \$4.25 per front foot. A change in the amount of the front footage charge is contingent on the result of the County's negotiations to purchase the system and the final estimates on upgrading costs.

Mr. Jack Hickey, President, Bay Colony Citizens Group, expressed that the residents of Bay Colony and Fairway Villas support the County assuming total operational control of sewer service in their area.

Mr. Izzo reiterated that the purpose of the evaluation was to determine if it was feasible to assume operations and maintenance of the existing wastewater collection system. Based on the results of the evaluation, the Engineering Department has determined that it would be feasible.

Mr. Archut noted that two major issues that will affect negotiations are (1) who owns the collection system and (2) the existing agreement with Utility Systems, Inc.

M 179 00
Authorize
Negotiations
Assume
Wastewater
Collection
System/
Holts
Landing
SSD

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Engineering Department is authorized to enter into negotiations with the appropriate parties to develop a financial package which would permit Sussex County to assume operations and maintenance of the existing wastewater collection system for the Bay Colony and Fairway Villas Developments.

Motion Adopted: 4 Yea, 1 Abstention.

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

M 180 00
Grant
Beneficial
Acceptance/
Old Town
Office Park

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Engineering Department, that the Sussex County Council grants Beneficial Acceptance for Sussex County Project No. 81-04, Agreement No. 182, Old Town Office Park, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 181 00
Grant
Substantial
Completion/
Phase One
South
Bethany
Sewer
Line
Renovation

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council grants Substantial Completion to TRB Specialty Rehabilitation for Sussex County Project No. 99-21 entitled "Phase One South Bethany Sewer Line Renovation".

Motion Adopted: 4 Yea, 1 Not Participating.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Not Participating

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 76 MULTI-FAMILY DWELLING UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.90 ACRES, MORE OR LESS" (Conditional Use No. 1340) filed on behalf of Robino Seachase, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR 8 MULTI-FAMILY DWELLING UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 26,042 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1341) filed on behalf of Buchanan Builders. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTAIL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.00 ACRES, MORE OR LESS" (Change of Zone

Ordinance (continued) No. 1405) filed on behalf of Robert D. Ward and Nancy H. Ward. The Proposed Ordinance will be advertised for Public Hearing.

M 182 00 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 from Mr. Cole's Councilmanic Account to the Bethany Beach 4th of July Parade Committee for the Bethany Beach 4th of July Parade.

Motion Adopted: 5 Yea.

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

Recess At 12:13 p.m., Mr. Rogers declared a recess until 1:30 p.m.

Reconvene Mr. Rogers called Council back into session at 1:30 p.m.

Public Hearing (C/U No. 1329) 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 USED CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.34 ACRES, MORE OR LESS" (Conditional Use No. 1329) filed on behalf of John and Mary Frey. The Planning and Zoning Commission held a Public Hearing on this application on March 23, 2000, at which time the application was denied. The applicant and his attorney, Stephen Parsons, were present on behalf of the application. There were no public comments in support of the application. Comments were heard in opposition to the application. Comments focused on the lack of need for another used car sales lot in the area; property values; lighting; traffic; and the small rural community character of the neighborhood. The Public Hearing was closed.

M 183 00 Adopt Proposed Ordinance (C/U No. 1329) Denied A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR USED CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.34 ACRES, MORE OR LESS" (Conditional Use No. 1329) filed on behalf of John and Mary Frey.

Motion Denied: 4 Nay, 1 Yea.

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

Findings

The Council found that the conditional use was not appropriate legislative action based on the following facts: no need was demonstrated for an additional used car sales lots in the area; increasing traffic problems on Route 20; negative effect on the residential character of the area; negative effect on property values; the use would be more appropriate in the Development District; and the application is not in compliance with the County's Comprehensive Land Use Plan.

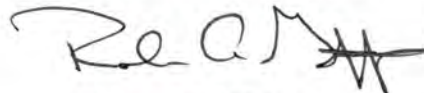
Public
Hearing
(C/Z
No. 1399)

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.50 ACRES, MORE OR LESS" (Change of Zone No. 1399) filed on behalf of James R. and Judy R. Powell. The Planning and Zoning Commission held a Public Hearing on this application on March 23, 2000, at which time action was deferred. There were no public comments and the Public Hearing was closed. Action was deferred by the County Council to await a recommendation from the Commission.

M 184 00
Adjourn

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to adjourn at 2:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council