

SUSSEX COUNTY COUNCIL – GEORGETOWN, DELAWARE – MAY 22, 2001

Call to  
Order

The regular meeting of the Sussex County Council was held Tuesday, May 22, 2001, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
Vance C. Phillips	Member
Lynn J. Rogers	Member
Robert L. Stickels	County Administrator
David B. Baker	Finance Director
Eugene H. Bayard	County Attorney

Mr. Dukes announced that Mr. Cole is attending a National Association of Counties conference in Hawaii.

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

M 285 01  
Approve  
Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the Agenda as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

M 286 01  
Approve  
Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of the May 15, 2001, meeting as distributed.

Motion Adopted: 4 Yea, 1 Absent.

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

Corre-  
spondence

Mr. Bayard read the following correspondence:

JOHN F. McDONNELL, MAYOR, TOWN OF DELMAR, DELMAR, DELAWARE.

RE: Thanking Council and County employees Robert N. Betts, William C. Lecates, and Albert W. Phillips for the part they played in eliminating the unsightly structures and bringing about the finalization of "The Jones Property" located on East State Street, Delmar, Delaware.

Corre-  
spondence  
(continued)

Mr. Dukes advised he has received correspondence from Kay Wood Bailey, Administrator, Delaware Prison Arts Program, which included the Prison Arts Program Calendar of Art Exhibits for 2001. The calendar is available for review if anyone is interested.

Village at  
Bear Trap  
Dunes

Mr. Baker, Project Coordinator, Utility Construction Division, discussed wastewater facilities to be constructed in The Village at Bear Trap Dunes, Phase IIA, located in the South Bethany Sanitary Sewer District.

M 287 01  
Grant  
Beneficial  
Acceptance/  
Village at  
Bear Trap  
Dunes,  
Phase IIA

A Motion was by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 81-04, Agreement No. 223, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in The Village at Bear Trap Dunes, Phase IIA, including the intermediate Pump Station No. 66 and the Regional Pump Station No. 67, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

Airport  
Terminal  
Building

Mr. Sapp, Project Engineer, County Engineering Department, discussed a Professional Services Supplement to the existing contract with French + Ryan for the construction phase of the new Airport Terminal Building.

M 288 01  
Airport  
Terminal  
Building/  
French +  
Ryan  
Contract/  
Professional  
Services

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council accept the French + Ryan contract, not to exceed \$31,831.90, for professional services during the construction phase of the new Airport Terminal Building.

Motion Adopted: 4 Yea, 1 Absent.

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

M 289 01  
Adopt  
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF MAY 20 THROUGH MAY 26, 2001, AS 'EMERGENCY MEDICAL SERVICES WEEK'."

Motion Adopted: 4 Yea, 1 Absent.

M 289 01  
(continued)

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

M 290 01  
Adopt  
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF MAY 21 THROUGH MAY 25, 2001, AS 'HURRICANE AWARENESS WEEK'."

Motion Adopted: 4 Yea, 1 Absent.

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

Adminis-  
trator's  
Report

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

1. Holiday Schedule

Sussex County offices will be closed Monday, May 28, 2001, to allow employees to observe the Memorial Day holiday. Offices will reopen at 8:30 a.m. on Tuesday, May 29, 2001.

There will not be a Council meeting on May 29. The next regularly scheduled meeting will be June 5, 2001, at 10:00 a.m. in the Council Chambers.

2. State of Delaware Plumbing Code

Please be advised that we have been notified by Delaware Health and Social Services, Division of Public Health, that effective May 11, 2001, the State will be enforcing new regulations regarding the Plumbing Code. All new commercial buildings must have male and female customer facilities in each unit or a central restroom. The central restroom must be designated with male and female facilities.

The new Code and amendments are available from Public Health, 544 South Bedford Street, Georgetown, Delaware, for \$32.30. Anyone having questions regarding the new Plumbing Code can contact the Plumbing Inspection Office at 856-5122.

3. Substandard Manufactured Homes

I am pleased to inform the Council that the County's Constable Office has successfully assisted in removal of 17 of the original 20 mobile homes identified under the County's joint agreement with First State Manufactured Housing Association. Two additional units are scheduled for removal this coming week.

Adminis-  
trator's  
Report  
(continued)

There have been difficulties with contacting the property owner of one additional unit, and the department is continuing their efforts. To date, none of the funds allocated by the County or First State Manufactured Housing have been used for this project.

I have requested that the Constable's Office develop another list of 20 homes that will be presented to the Council in June.

4. Application for Certificate of Public Convenience and Necessity

I have been notified by the Department of Natural Resources that the Town of Bridgeville has filed for a Certificate of Public Convenience and Necessity to provide public water service to its existing water service area located in and adjoining the Town, Sussex County, Delaware. A public hearing on this application will not be held unless Alan Farling, on behalf of the Secretary of the Department of Natural Resources, receives a request for such a hearing no later than May 29, 2001.

The application may be inspected by appointment at the offices of the Department of Natural Resources and Environmental Control, Suite 200, 5 East Reed Street, Dover, Delaware, or by calling Mr. Farling at 302-739-5081.

I know of no reason why the County Council should oppose this application.

5. Memorial Day Service – Seaford

The Seaford Veterans Committee, composed of five veterans organizations, two American Legion Posts (No. 6 and No. 37), DAV Chapter No. 9, MCL Detachment No. 780, and VFW No. 4961, will be conducting a Memorial Day program on Monday, May 28, 2001, at the Kiwanis Memorial Park, Stein Highway, Seaford, Delaware. The ceremony will be held beginning at 11:00 a.m. with a band, firing squad, and raising of the colors. This will be followed by a short dedication of the memorial bricks that have been placed along the walk honoring those who have served their country. The monument contains the names of those who sacrificed their lives in action. The general public is invited to attend this ceremony.

6. Terminal Building Groundbreaking Ceremony

The Sussex County Economic Development Office and the Sussex County Council will be conducting a groundbreaking ceremony on Tuesday, June 5, 2001, at 9:00 a.m. for the Sussex County Airport Terminal Building. The building, approximately 6,000 square feet, will house a 60-seat restaurant, conference room, pilots lounge, an area for pilots to prepare their flight plans complete with a weather channel to provide pilots with current weather

Adminis-  
trator's  
Report  
(continued)

conditions, offices for the operators of the Airport, and three offices which will be offered for rent. Project costs are estimated at \$1 million. The ceremony will take place adjacent to the current Terminal Building.

7. National Association of Counties Board of Directors Meeting

Councilman George B. Cole will be representing the State of Delaware at the National Association of Counties Board of Directors meeting starting Tuesday, May 22, and running through Saturday, May 26, 2001, in Hawaii.

Proposed  
Fiscal  
2002  
Budget

Mr. Stickels submitted to Council the proposed annual operating budget for Fiscal Year (FY) 2002 and the accompanying budget letter. A comprehensive review of the proposed Fiscal 2002 Budget was provided by Mr. Stickels.

The theme of the FY 2002 budget is "Realistic Expectations." Mr. Stickels noted that after ten years of financial growth in Sussex County, it is important that federal, State, and local government budgets be monitored closely. It is not realistic to believe that the County's financial standings will not be affected by the degradation of federal and State surpluses.

Mr. Stickels stated that a contributing factor that had to be considered in formulating the proposed FY 2002 budget was continuation of population growth, not only in Sussex County but the entire State. According to the 2000 census, Sussex County grew at a population rate of 38.3 percent from 1990 to 2000. The population growth will impact County-funded services such as water, sewer, library, fire, ambulance, and paramedics. Nevertheless, the proposed 2002 budget allows the County government to continue with programs that have been established over the years without an increase in taxes.

The proposed 2002 year budget calls for General Fund operating expenditures of \$31.2 million and an Operating Reserve of 25 percent, or \$7 million. The Budget Committee firmly believes that it is essential the County government maintain an Operating Reserve of 25 percent. The 25 percent Operating Reserve will help the County avoid shortfalls and will allow the County to participate in cost-sharing programs that are not included in the proposed 2002 budget, should the Council choose to do so.

Upon completion of review of the budget letter by Mr. Stickels, Mr. Baker and Susan Webb, Director of Accounting, proceeded with an overview of the charts and graphs included as Addenda 1 through 16 of the letter, as well as three additional charts presented by Ms. Webb, which accented specific areas of the Fiscal 2002 Budget.

Highlights of the proposed Fiscal 2002 Budget are as follows:

Proposed  
Fiscal  
2002  
Budget  
(continued)

- No tax or user fee increases
- Establishment of a Capital Improvement Fund
- Internet accessibility
- Continued elimination of tax-supported General Fund debt
- Commencement of revisions to the Land Use Plan
- Funding assistance for Poultry Engineer
- Water, sewer, and septic assistance programs for low-income residents
- Expand central sewer service
- Revenue Sharing for local governments
- Computerize bookmobile
- Fully funded pension liability
- Expansion of the Milton Library
- Airport expansion
- General Fund grant for sewer districts
- 25 percent "Rainy Day Fund"
- 3.72 percent budget increase

Mr. Stickels encouraged Council to review the proposed annual operating budget carefully prior to the Public Hearing scheduled for June 19, 2001.

Proposed  
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2002." The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS." The Proposed Ordinance will be advertised for Public Hearing.

M 291 01  
Council-  
manic  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to provide two port-a-potties for use of the general public at Broadkill Beach, at a cost not to exceed \$500.00, from Memorial Day through Labor Day, with the cost to be deducted from Mr. Rogers' Councilmanic Account.

Motion Adopted: 4 Yea, 1 Absent.

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

“Relay  
for  
Life”

Mr. Jones took the opportunity to thank Council for their support of the “Relay for Life” which took place on Friday and Saturday, May 18 and 19, 2001, to raise funds for the American Cancer Society. There were four teams of 40 to 50 people each that walked around-the-clock to raise money for cancer research. “The Green Machine” team, which consisted of members of the Greenwood Volunteer Fire Company, several County employees, and others, raised \$17,389.95 and was awarded this year’s top fundraiser. In addition to thanking everyone for their participation, Mr. Jones noted the lack of television coverage of this special event in the hope that such worthwhile causes will receive recognition in the future.

M 292 01  
Recess

At 11:31 a.m., a Motion was made by Mr. Rogers, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Dukes called Council back into session at 1:37 p.m.

Attorney

Mr. Berl, Assistant County Attorney, was present.

Public  
Hearing  
(C/U  
No. 1394)

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CUSTOM SAW MILL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.06 ACRES, MORE OR LESS” (Conditional Use No. 1394) filed on behalf of T. Kirby Wells.

The Planning and Zoning Commission held a Public Hearing on this application on April 26, 2001, at which time they recommended that the application be approved, with stipulations.

The Council found that Thomas Kirby Wells, Applicant, and David Rutt, Attorney, were present on behalf of the application. They stated that the conditional use application is for a custom saw mill; that the small office building on the premises will be used for an office; that an 80-foot by 169-foot saw mill building is proposed; that the building will be 20-feet tall; that the 56-inch saw and planer will be located in the building; and that a need exists for a saw mill in the area.

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

M 293 01  
Adopt  
Ordinance  
No. 1459  
(C/U  
No. 1394)

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt Ordinance No. 1459 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CUSTOM SAW MILL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.06 ACRES, MORE OR LESS” (Conditional Use No. 1394) filed on behalf of T. Kirby Wells, with the following conditions:

M 293 01  
(continued)

1. The saw mill production will be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m.
2. There will be no Saturday production hours; sales will be permitted from 7:00 a.m. to 12:00 noon; maintenance will be permitted; and there will be no Sunday hours.
3. Security lighting will be provided and erected to face into the site and shall not be directed toward adjacent residential properties or roadways.
4. The entrance will be gated.
5. One unlighted sign, not exceeding 32 square feet per side or facing, shall be permitted.
6. Storage of timber and lumber shall be to the rear of the saw mill building.
7. All parking areas, loading areas, and driveways shall be improved with crusher-run.
8. The site plan shall be subject to review and approval by the Planning and Zoning Department.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
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 that the proposed use will serve a public need.
2. With the conditions imposed, the proposed use will have no adverse impact.
3. The applicant established that the proposed use will operate from a site that was previously utilized for the storage of bulk timber.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing

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 THE SALES AND SERVICE OF GOLF CARTS

Public  
Hearing  
(C/U  
No. 1395)  
(continued)

AND RELATED WORK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 34,495 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1395) filed on behalf of Keith Butcher.

The Planning and Zoning Commission held a Public Hearing on this application on April 26, 2001, at which time they recommended that the application be denied since no one appeared on behalf of the application and there was no record of support.

The Council found that Keith Butcher, Principal of Golf Cart World, and Norman Barnett, Attorney, were present on behalf of the application. Mr. Butcher informed Council that he missed the Public Hearing held by the Planning and Zoning Commission due to a mix-up; that he thought the Planning and Zoning Commission's Public Hearing would also be held on this date.

The Council found that based on comments made by Mr. Barnett and Mr. Butcher that Mr. Butcher operates Golf Cart World, Inc., located on Route 24 across the highway from the site of this application; that in November, 2000 he purchased the property which is the site of this application; that he has placed a chain link fence around the rear of the property for the storage of golf carts; that the sales and service operation is still operating at the current facility on the other side of Route 24; and that if the conditional use is granted, he plans to move the operation to the other side of the highway.

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

M 294 01  
Adopt  
Ordinance  
No. 1460  
(C/U  
No. 1395)

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1460 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE SALES AND SERVICE OF GOLF CARTS AND RELATED WORK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 34,495 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1395) filed on behalf of Keith Butcher, with the following stipulations:

1. Hours of operation shall be from 8:00 a.m. to 5:00 p.m. Monday through Saturday, and 9:00 a.m. to 12:00 noon on Sunday.
2. One unlighted sign, not exceeding 32 square feet per side or facing, shall be permitted.
3. All storage is required to be inside the fenced-in area.
4. The site plan shall be subject to review and approval by the Planning and Zoning Department.

M 294 01  
(continued)

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
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 that the proposed use will serve a public need.
2. The applicant established that the proposed use will operate from a site previously subject to an active commercial use.
3. The applicant established that the proposed use will allow his existing, growing business to expand to a permanent location.
4. With the conditions imposed, the proposed use will have no adverse impact.

Public  
Hearing  
(C/Z  
No. 1431)

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 9.02 ACRES, MORE OR LESS" (Change of Zone No. 1431) filed on behalf of K.E.B. Properties, L.L.C.

The Planning and Zoning Commission held a Public Hearing on this application on April 26, 2001, at which time they recommended that the application be approved since the site is located in a Town Center District according to the Comprehensive Plan, and since rezoning the site to C-1 General Commercial is appropriate due to the site's close proximity to other commercial uses and zonings in the area.

The Council found that Mark Dunkle, Attorney; Kay Wheatley, Principal of K.E.B. Properties, L.L.C.; Georgia Nichols, Appraiser; and Stanley Smith of the Wheyland Company were present on behalf of the application. The Council found that the applicant proposes to develop 9 acres of the 20 acre tract for a contractors office and storage yard; that the area west of the site across Road 68 is commercially zoned or in the Town of Delmar with commercial uses; that the site is located in a Town Center District; that the property is improved with a ranch style home and out-buildings and that they want to remodel the home into an office; that the applicants purchased the Wheyland Company in 1995; that the existing site of the Wheyland Company is leased in Salisbury, Maryland; and that the applicants want to relocate the business to Sussex County.

Public  
Hearing  
(C/U  
No. 1431)  
(continued)

Public comments were heard. Comments heard in support of the application referred to sites in the immediate area, which are zoned commercial and that the use is consistent with development in the area.

Comments in opposition to the application referred to the fact that the area is predominantly residential and is not appropriate for commercial zoning; that approving the change of zone would be spot-zoning; that a construction yard in a residential area is not an appropriate use; that drainage problems exist; that depreciation of property values is a concern; and that the use should be located within an industrial park.

The Public Hearing was closed.

Mr. Phillips stated that he would like for Mr. Cole to have the opportunity to listen to the proceedings of this Public Hearing and to participate in the vote on the application.

M 295 01  
Defer  
Action  
(C/Z  
No. 1431)

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to defer action on Change of Zone No. 1431 filed on behalf of K.E.B. Properties, L.L.C.

Motion Adopted: 4 Yea, 1 Absent.

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

Public  
Hearing  
(C/Z  
No. 1433)

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 4.02 ACRES, MORE OR LESS" (Change of Zone No. 1433) filed on behalf of Willard E. Wyatt and Bonnie L. Wyatt.

The Planning and Zoning Commission held a Public Hearing on this application on April 26, 2001, at which time they recommended the following: (1) that the front 260-feet of depth from U.S. Route 13 be approved since it is contiguous with adjacent commercial property to the north, and (2) that the remaining rear portion of the site be denied since it is contiguous with residential properties.

The Council found that Willard Wyatt, Applicant, and Steve Parsons, Attorney, were present on behalf of the application. Mr. Parsons advised that the applicant is proposing a used car sales lot; that they initially anticipate having approximately 25 cars on the lot; and that the applicant has no problem with the recommendations of the Planning and Zoning Commission. There were no public comments and the Public Hearing was closed.

M 296 01  
Adopt  
Ordinance  
No. 1461  
(C/Z  
No. 1433)

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt Ordinance No. 1461 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 4.02 ACRES, MORE OR LESS" (Change of Zone No. 1433) filed on behalf of Willard E. Wyatt and Bonnie L. Wyatt, as amended, in accordance with the recommendation of the Planning and Zoning Commission, approving the zoning change for the front 260-feet of depth from Route 13 and denying the zoning change for the remaining rear portion of the site.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings  
of Fact

The Council found that the change of zone, as amended, is appropriate legislative action based on the following findings of fact:

1. The applicant established that the front portion of the site is contiguous with an adjacent commercial property.
2. The change of zone, as amended, will have no adverse impact on the surrounding area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/Z  
No. 1434)

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21,804 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1434) filed on behalf of Eric S. Campbell.

The Planning and Zoning Commission held a Public Hearing on this application on April 26, 2001, at which time they recommended that the application be approved since the site is adjacent to and in close proximity to commercial activities and commercial zonings.

The Council found that Eric Campbell, Applicant, James Yori, Attorney; and Kevin Burdette of McCrone, Inc., were present on behalf of the application. They stated that the site is located on Long Neck Road; that the property is triangular shaped and

Public  
Hearing  
(C/Z  
No. 1434)  
(continued)

contains approximately 1/2 acre of land; that the site has, for many years, been surrounded by commercial uses and zonings; that DelDOT did not recommend a traffic impact study; that there would be no adverse environmental impact; that the site is located within a Development District; that the proposal is accommodating to the area; that the C-1 zoning classification is necessary in order for the applicant to obtain financing from the bank; that they proposed storage units for contractors; and that a small office for each unit may be provided.

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

M 297 01  
Adopt  
Ordinance  
No. 1462  
(C/Z  
No. 1434)

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1462 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 21,804 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1434) filed on behalf of Eric S. Campbell.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent;  
Mr. Rogers, Yea; Mr. Jones, Yea;  
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 is located within a Development District.
2. The applicant established that the proposed use will have no adverse impact on traffic.
3. The applicant established that the change of zone is compatible with surrounding commercial uses and zonings.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 298 01  
Youth  
Activity  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$500.00, \$250.00 each from Mr. Cole's and Mr. Phillips' Youth Activity Grant Fund, to the Lower Sussex Little League, Inc.

Motion Adopted: 4 Yea, 1 Absent.

M 298 01  
(continued)

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

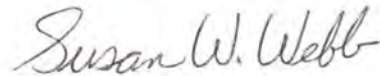
AARP  
Workshop

Mr. Stickels advised Council of an AARP Workshop scheduled for May 31, 2001, at 6:00 p.m., at the Lord Baltimore School in Ocean View.

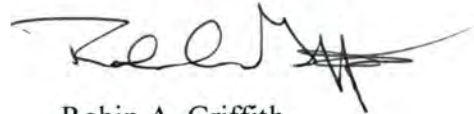
M 299 01  
Adjourn

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to adjourn at 3:30 p.m.  
Motion Adopted by Voice Vote.

Respectfully submitted,



Susan Webb  
Acting Clerk of Council



Robin A. Griffith  
Clerk of Council