

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 27, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 27, 1995, 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 281 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated June 20, 1995. Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence
FRIENDS OF THE SOUTH COASTAL LIBRARY, BETHANY BEACH, DELAWARE.
RE: Summer 1995 edition of the newsletter entitled "Connection".

JAMES W. BAILEY, PRESIDENT, BROADKILL BEACH PRESERVATION ASSOCIATION, MILTON, DELAWARE.
RE: Letter to Mr. Benson in appreciation of his Councilmanic Grant.

Bids - Mr. Baker, Finance Director, discussed the bids received for Auditing Auditing Services for the Fiscal Years Ending June 30, 1995, Services 1996, and 1997. Mr. Baker advised that following a review of the bids, it is recommended that the bid be awarded to the lowest responsible bidder, Jefferson, Urian, Doane & Sterner, P.A.

M 282 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Award Bid- accept the Audit Agreement Bid from Jefferson, Urian, Doane & Auditing Sterner, P.A. for Fiscal Years Ending June 30, 1995, 1996, and Services 1997 and for extra work for the period June 30, 1995 through June 30, 1998.

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. Baker, Finance Director, and Mr. James Losty of Wheat Ordinance First Butcher Singer, reviewed a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE OBLIGATIONS OF SUSSEX COUNTY FOR THE FINANCING AND REFINANCING OF THE

Proposed Ordinance (con't) CONSTRUCTION AND EQUIPPING OF THE WEST REHOBOTH EXTENSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". This Proposed Ordinance, if adopted, will enable the County to refinance West Rehoboth Wastewater Revenue Bonds. Mr. Losty advised that over the last thirty days, interest rates in the municipal bond market have declined significantly. This reduction in interest rates has presented the County with the possibility of refinancing the Bonds to achieve significant savings. Savings will be approximately three percent of bond principal refunded and will exceed all financing costs. Mr. Losty recommended that the County take the necessary steps to get into position to refinance the bonds. Mr. Gefaell of Corby North Bridge Securities, the County's Financial Advisor, has urged the County to "take advantage of this recent rate decline and set your sights on a re-funding that could result in a minimum of \$500,000 savings. The County should proceed through this process and be prepared for proper market timing." Mr. Losty advised that no fees will be incurred until the refinancing occurs.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE OBLIGATIONS OF SUSSEX COUNTY FOR THE FINANCING AND REFINANCING OF THE CONSTRUCTION AND EQUIPPING OF THE WEST REHOBOTH EXTENSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH." The Proposed Ordinance will be advertised for Public Hearing.

Possum Point Sanitary Sewer System Request Mr. Archut, Director of Planning and Permits, discussed a letter from the Possum Point Civic Association regarding their interest in receiving sanitary sewer service. Mr. Archut advised that the Town of Millsboro has responded favorably to his inquiry regarding the possible connection of a sanitary sewer system to their treatment plant. Mr. Cole questioned whether the Town of Millsboro is interested in pursuing the entire project themselves. It was the consensus of Council to see what the Town's position is prior to any further action on this matter.

Clear-water Development Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance for the wastewater facilities constructed in Clearwater Development, Phase II, located in the South Bethany Sanitary Sewer District.

M 283 95 Clear-water Development 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 Clearwater Development, Phase II, effective July 5, 1995, located in the South Bethany Sanitary Sewer District.

M 283 95 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

Tecot Mr. Green, Director of Utility Construction, discussed an
Electric Agreement with Tecot Electric Supply Company for Construction
Admin- Administration and Construction Inspection Services for waste-
ment water facilities to be constructed in Tecot Electric, located
in the West Rehoboth Expansion of the Dewey Beach Sanitary
Sewer District.

M 284 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, that
Execute the President of the Sussex County Council execute an Agree-
Tecot ment between Sussex County Council and Tecot Electric Supply
Electric Company for Construction Administration and Construction In-
Agreement spection Services for wastewater facilities to be constructed
in Tecot Electric, located in the West Rehoboth Expansion of
the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Change Mr. Green, Director of Utility Construction, discussed Change
Order Order No. 2 to Contract D for the West Rehoboth Expansion of
the Dewey Beach Sanitary Sewer District.

M 285 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Issue based on the recommendation of the Inspection Engineer,
Change George, Miles & Buhr, and the Sussex County Engineering
Order Department, that the Sussex County Council authorizes the
No. 2 President of the Sussex County Council to issue Change Order
Contract No. 2, for the West Rehoboth Expansion of the Dewey Beach
D Sanitary Sewer District, Contract D, Design Areas 14, 15, 16,
West 17, and 18, to Lisbon Contractors, Inc., for the resolution
Rehoboth of various claims and the deletion of Silver View Farms in
Area 16 from Construction Package D, for the negotiated a-
mount of \$334,748.00, increasing this contract amount to
\$5,779,762.06, contingent on the approval of Rural Economic
and Community Development.

Motion Adopted: 5 Yea.

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

Change
Orders

Mr. Green, Director of Utility Construction, reviewed Change Order Nos. 7, 8, and 9 to Contract A for the West Rehoboth Expansion of the Sanitary Sewer District.

M 286 95
Issue
Change
Order
No. 7
Contract
A
West
Rehoboth

A Motion was made by Mr. Cole, seconded by Mr. Benson, 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. 7, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract A, Design Areas 6, 7, 8 and 9, to Teal Construction, Inc., for establishment of unit prices and estimated quantities for air release man-holes and valves, for an amount of \$7,000.00, increasing this contract amount to \$4,993,055.99, contingent on the approval of the Department of Natural Resources and Environmental Control and Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

M 287 95
Issue
Change
Order
No. 8
Contract
A
West
Rehoboth

A Motion was made by Mr. Collins, seconded by Mr. Benson, 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. 8, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract A, Design Areas 6, 7, 8, and 9, to Teal Construction, Inc., for the installation of sanitary sewer laterals to serve previously unserved parcels, for an amount of \$16,000.00, increasing this contract amount to \$5,009,055.99, contingent on the approval of the Department of Natural Resources and Environmental Control and Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

M 288 95
Issue
Change
Order

A Motion was made by Mr. Collins, seconded by Mr. Benson, based on the recommendation of the Inspection Engineer, George, Miles, & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the

M 288 95 President of the Sussex County Council to issue Change
Issue Order No. 9, for the West Rehoboth Expansion of the
Change Dewey Beach Sanitary Sewer District, Contract A, Design
Order Areas 6, 7, 8 and 9, to Teal Construction, Inc., for
No. 9 the installation of sanitary sewer in Silver View Farms
Contract to be added to Construction Package A with an addition
A of forty-four days extending the contract completion date
West to November 1, 1995, for an amount of \$120,000.00, in-
Rehoboth creasing this contract amount to \$5,129,055.99, contingent
(con't) on the approval of the Department of Natural Resources and
Environmental Control and Rural Economic and Community
Development.

Motion Adopted: 5 Yea.

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

Project Mr. Green, Director of Utility Construction, distributed
Status for Council's review, a project status for each Contract
West for the West Rehoboth Expansion of the Dewey Beach Sanitary
Rehoboth Sewer District.

Old Change of Zone No. 1257 entitled "AN ORDINANCE TO AMEND
Business THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN
(C/Z AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL
No. 1257) COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING
AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING
2.98 ACRES, MORE OR LESS" filed on behalf of Bruce
Harrison, was discussed. A Public Hearing was held on
this application on May 16, 1995, at which time action
was deferred.

M 289 95 A Motion was made by Mr. Collins, seconded by Mr. Cole,
Adopt to Adopt Ordinance No. 1038 entitled "AN ORDINANCE TO
Ordinance AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM
No. 1038 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL
(C/Z COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING
No. 1257) AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING
2.98 ACRES, MORE OR LESS" (Change of Zone No. 1257) filed
on behalf of Bruce Harrison.

Motion Adopted: 5 Yea.

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

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

Findings
of Fact
(con't)

1. The applicant established by substantial evidence that the property is located near and adjoining a variety of commercial uses and vacant or inactive commercially zoned property. The change of zone will thereby be consistent with the character and trend of development in the area, will have no adverse impact on property values, the environment or traffic in the area.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
3. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Old
Business
(C/Z
No. 1258)

Change of Zone No. 1258 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.81 ACRES, MORE OR LESS" filed on behalf of Timothy S. Johnson, was discussed. A letter was read into the record from Robert W. Nash, representative for the applicant, dated June 21, 1995, requesting that the application be withdrawn.

M 290 95
Adopt
Proposed
Ordinance
(C/Z
No. 1258)

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.81 ACRES, MORE OR LESS" (Change of Zone No. 1258) filed on behalf of Timothy S. Johnson.

Motion Denied: 5 Nay.

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

Findings
of Fact

The Council found that the change of zone was not appropriate legislative action.

Request
for
Executive
Session

Mr. Stickels, County Administrator, requested that an Executive Session be held following the conclusion of the morning session for the purpose of discussing land acquisition.

M 291 95
Authorize
Executive
Session

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council authorizes an Executive Session to be held in the County Council Chambers on Tuesday, June 27, 1995, following the conclusion of the morning session.

M 291 95
(con't)

Motion Adopted: 5 Yea.

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

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

1. County Council Schedule Revisions

The Sussex County Council will not meet on Tuesday, July 4, 1995. All County offices will be closed to allow employees to observe Independence Day. County offices will reopen July 5, 1995, at 8:30 a.m.

The Council meeting scheduled for Tuesday, July 11, 1995, will start at 9:00 a.m. The earlier starting time is to accommodate the schedule of The Honorable Anne Canby, Secretary of the Delaware Department of Transportation. Secretary Canby will be attending the Council meeting to discuss transportation issues pertaining to the County's Comprehensive Land Use Plan.

The Council meeting scheduled for Tuesday, July 18, 1995, will be held at the South Coastal Library, located on Kent Avenue, Bethany Beach, Delaware. This will be the fourth in a series of holding Council meetings in each Councilmanic District. The meeting is scheduled to start at 10:00 a.m.

2. Troop 4 Status Report

The following hours of duty and enforcement were compiled by the uniformed officers at Troop 4, Georgetown, Delaware, during the month of May 1995:

Total Hours On Duty	3,450
Hours Assisted Other Agencies	48.5
Total Traffic Arrests	902
Total DUI Arrests	27
Accident Reports: Property Damage	52
Personal Injury	<u>18</u>
Total Accident Reports	70
Criminal Arrests: Felony	16
Misdemeanor	<u>97</u>
Total Criminal Arrests	113
Total 10-29 P's (wanted persons)	52
Total Number of Complaints	604

Adminis-
trator's
Report
(con't)

3. Rural Economic and Community Development

The Sussex County Community Development and Housing Division has received notification from the Rural Economic and Community Development (RECD) administration that Sussex County has been awarded \$95,660. This funding will be used for the Housing Preservation Grant Program. The RECD funding traditionally has been leveraged with Sussex County's Community Development Block Grant funding. Individuals wishing to apply for housing grants should contact Mr. William Lecates at 855-7777.

4. Route 26 Update

Included with this report is a copy of the Delaware Department of Transportation's newsletter regarding Route 26. This past spring, DelDOT Secretary Anne Canby appointed a 15-member Citizens' Working Group to discuss proposals of widening and making safe improvements to Route 26, from Route 1 west to the Assawoman Canal bridge.

5. Proposed Ellendale Sanitary Sewer District

The Sussex County Council will be holding a public meeting on Thursday, July 20, 1995, at 7:00 p.m. at the Ellendale Fire Hall, Route 16, Ellendale, Delaware. The purpose of the public meeting is to discuss the possibility of sanitary sewer service for the Town of Ellendale.

The proposed Ellendale Sanitary Sewer District currently includes unincorporated areas surrounding the Town of Ellendale. The Town has been asked to consider its position on being a part of the proposed service area.

Items to be discussed at the public meeting will be the proposed service area boundaries, the procedures for establishing a sanitary sewer district, and cost estimates.

All interested persons, officials, residents, voters, taxpayers, property owners, or other persons or corporations in any way affected by the establishment of this district are invited to attend. Representatives of the Federal, State, and County governments will be present. The public will have an opportunity for questions and comments.

Adminis-
trator's
Report
(con't)

6. Executive Order Number 29

Governor Thomas R. Carper signed Executive Order Number 29 on April 28, 1995, calling for the naming of an Advisory Panel on Intergovernmental Planning and Coordination, as set forth in Title 29, Delaware Code, and establishing a Citizens' Advisory Council. This Executive Order calls for the appointment of the County Administrator, or his designee, to serve on the Advisory Council. Mr. Stickels has named Mr. Robert N. Betts, Chief Zoning Inspector, to be his representative on this Council. The Citizens' Advisory Council will work closely with the Governor's Cabinet Committee in developing State and local planning procedures.

7. Building Code

The Sussex County Building Code Department has received the 1995 Edition of the CABO One and Two Family Dwelling Code books. These books are available to the general public at a cost of \$35.00 each. Mr. Stickels has requested that the Building Code Department delay implementation of the 1995 Edition at this time.

On Tuesday, July 18, 1995, Mr. Van Milligan will brief Council on the changes in the Code. Council will be required to establish a date when the County will start implementing the new Code. It would be unfair to expect builders to be able to comply with the 1995 Edition at this time. There are major changes in the new Code regarding stairways, handrails, and smoke detector requirements.

M 292 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Council-
manic to give \$200.00 from Mr. Stevenson's Councilmanic Account
Grant to Greenwood Cheer Mature Lifestyle Center for activities
and craft projects.

Motion Adopted: 5 Yea.

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

M 293 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Council- give \$150.00 from Mr. Collins' Councilmanic Account to the
manic American Scandinavian Student Exchange (ASSE) for Chris
Grant Radcliffe's expenses associated with his stay in Germany
as an exchange student.

M 293 95 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

M 294 95 A Motion was made by Mr. Cole that all unused Councilmanic
Transfer Funds at the end of this fiscal year be transferred to General
Funds Fund. The Motion died for the lack of a second.

M 295 95 At 11:45 a.m., a Motion was made by Mr. Benson, seconded by
Recess Mr. Collins, to recess for Executive Session. Motion Adopted
by Voice Vote.

Executive An Executive Session of the Sussex County Council was held
Session Tuesday, June 27, 1995, at 11:47 a.m., in the Council Chambers,
Courthouse, Georgetown, Delaware, for the purpose of discussing
land acquisition. The Executive Session concluded at 12:00
noon.

M 296 95 At 12:00 noon, a Motion was made by Mr. Benson, seconded by
Recess Mr. Collins, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

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

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 TRUCK REPAIR SHOP TO
No. 1120) BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.48 ACRES, MORE
OR LESS" (Conditional Use No. 1120) filed on behalf of Sara
V. Thoroughgood. The Public Hearing was closed.

M 297 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adopt Adopt Ordinance No. 1039 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1039 DISTRICT FOR A TRUCK REPAIR SHOP TO BE LOCATED ON A CERTAIN
(C/U PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX
No. 1120) COUNTY, CONTAINING 3.48 ACRES, MORE OR LESS" (Conditional
Use No. 1120) filed on behalf of Sara V. Thoroughgood, subject
to the following conditions:

1. No oil changes shall be performed on site.
2. No fuel shall be stored or sold on site.
3. Not more than ten vehicles shall be stored on site at
any time.

Motion Adopted: 5 Yea.

M 297 95 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
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 proposed use will enable a family trucking business to locate and grow at the facility in an area adjoining Heavy Industrial zoned property.
2. The proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed use is consistent with 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 A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
(C/Z COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A
No. 1259) HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND
LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CON-
TAINING 9.92 ACRES, MORE OR LESS" (Change of Zone No. 1259)
filed on behalf of Minos E. Givens. The Public Hearing was
closed.

M 298 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Adopt Adopt Ordinance No. 1040 entitled "AN ORDINANCE TO AMEND
Ordinance THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1
No. 1040 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL
(C/Z DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
No. 1259) LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.92 ACRES,
MORE OR LESS" (Change of Zone No. 1259) filed on behalf of
Minos E. Givens.

Motion Adopted: 5 Yea.

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

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

1. The applicant established by substantial evidence that the change of zone will bring the pre-existing, non-

Findings
of Fact
(con't)

conforming industrial activity on site into conformity with the Comprehensive Zoning Ordinance and will enable the owner to expand his business on site without a variance or special use exception.

2. The change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment.
3. The change of zone serves 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. 1260)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.5 ACRES, MORE OR LESS" (Change of Zone No. 1260) filed on behalf of Helena Chemical Company. The Public Hearing was closed.

M 299 95
Adopt
Ordinance
No. 1041
(C/Z
No. 1260)

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 1041 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.5 ACRES, MORE OR LESS" (Change of Zone No. 1260) filed on behalf of Helena Chemical Company.

Motion Adopted: 5 Yea.

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

Findings
of Fact

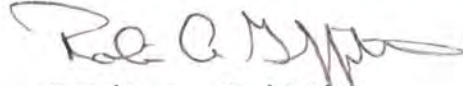
The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the change of zone will serve the agricultural community and the agricultural industry in Western Sussex and with the protection required by DNREC and other agencies, will have no adverse impact on the character of the neighborhood, property values therein, the environment or traffic in the area.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Findings of Fact 3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 300 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Adjourn to adjourn at 2:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council