

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 23, 1996

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, July 23, 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
William D. Stevenson, Sr.	Member

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

M 287 96      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Amend Agenda      Amend the Agenda to include "Land Use Plan Update" immediately following "County-wide Transportation Plan" and to Adopt the Agenda, as amended.

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 96      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes      approve the minutes of the previous meeting, dated July 16, 1996. Motion Adopted by Voice Vote.

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

DALE BOYCE, PRESIDENT, LAUREL CHAMBER OF COMMERCE, LAUREL, DELAWARE.

RE: Letter in appreciation of Mr. Dukes' financial support of Laurel's Independence Day Celebration.

ArtCo, Wilmington, Delaware.

RE: Letter informing Council of a special celebration that is being planned for September 17, 1996 to thank and honor Sussex County Council and other supporters.

(REV.) STEVEN B. GIULIANO, GEORGETOWN HISPANIC FESTIVAL, GEORGETOWN, DELAWARE.

RE: Letter requesting a donation from Council to financially support the Georgetown Hispanic Festival to be held on September 1, 1996.

Von      Mr. Stickels, County Administrator, advised Council that on Baumgart      July 10, 1996, County staff performed an inspection on the Property      Von Baumgart property in Warwick Park. Also present during the inspection were representatives from Delmarva Power &

Von Baumgart Property/Warwick Park (con't) Light, DNREC, Department of Public Health, State Fire Marshall's Office, and First State Inspection Agency, Inc. Mr. Stickels advised that the following has been determined: the property/house is not a health threat to the neighbors or residents; there is nothing prohibiting the residents from living there; the residents have all necessary permits; there are no violations that the County can enforce; the residents are violating deed restrictions. Due to the fact that there are no County violations, Mr. Stickels recommended that residents of Warwick Park take action against the deed restrictions.

Draft Ordinance Mr. Stickels, County Administrator, discussed a draft of a Proposed Ordinance entitled "AN ORDINANCE RELATING TO PROPERTY MAINTENANCE AND UNSAFE BUILDINGS".

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE RELATING TO PROPERTY MAINTENANCE AND UNSAFE BUILDINGS." The Proposed Ordinance will be advertised for Public Hearing.

Proposed Lease Agreement with County Seat Materials Mr. Stickels, County Administrator, discussed a Proposed Lease Agreement with County Seat Materials, LLC, for a parcel of land at Sussex County Airport and Industrial Park Complex, Georgetown, Delaware, to operate an asphalt batching plant and related stone depot. The initial term of the Proposed Lease is for five years with six additional renewal terms of five years each. Renewal will be subject to approval by the Board of Adjustment. The tenant will pay an annual rent in the amount of \$1,000.00 per acre for the first year of the initial term of the Lease; beginning with the second year of the initial term and continuing during any renewal terms exercised, the annual rent will escalate based on the Consumer Price Index but will not exceed 8 percent. In addition to the rent, the Tenant will pay a monthly royalty payment equal to \$.25 for each ton of aggregate received at the aggregate depot; provided, however, that the Tenant will receive a one-time three year abatement of royalty payments commencing on the date when asphalt is first available for sale to the public. Mr. Stickels noted that the funds received as royalty payments will be utilized for the Industrial Park.

Termination of Existing Lease Agreement Mr. Stickels, County Administrator, recommended to Council that the existing Lease Agreement with County Seat Materials, LLC, dated February 3, 1995, be terminated. This Lease Agreement was for an asphalt batching plant, stone depot, and ready-mix concrete plant. The existing Lease Agreement is for a 19 acre parcel, the proposed Lease Agreement is for a 5 acre parcel.

M 289 96 County Seat Materials A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the Sussex County Council President to execute a Lease Agreement with County Seat Materials, LLC, for a parcel at the Sussex County Airport and

M 289 96 Industrial Park Complex, Georgetown, Delaware, to operate an asphalt batching plant and related stone depot for a period of five years, with renewal options, and Be It Further Moved that the Sussex County Council authorizes the Sussex County Council President to execute a Lease Termination Agreement with County Seat Materials, LLC, dated February 3, 1995, to operate an asphalt plant, stone depot and ready-mix concrete plant, on a parcel at the Sussex County Airport and Industrial Park Complex, Georgetown, Delaware, for a period of twenty years, with renewal options, as presented.

Execute Lease Agreement and Terminate Lease Agreement with County Seat Materials  
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

Sub-division Request Appeal/ William M. and Betty Jane Tower  
Mr. Stickels, County Administrator, discussed an appeal of a decision of the Planning & Zoning Commission on the sub-division request of William M. and Betty Jane Tower. This matter was discussed at the July 9, 1996, Council meeting, at which time action was deferred for the purpose of obtaining additional information. This information has been provided to Council for their review; in addition, Mr. Duke of DNREC was present at the meeting to discuss septic permits and the need for a septic feasibility study.

M 290 96 Uphold Planning & Zoning Decision on Sub-division Request Appeal/ Tower  
A Motion was made by Mr. Collins, seconded by Mr. Stevenson, based on a review of the record and evidence presented, to uphold the decision of the Planning and Zoning Commission on the matter of Subdivision Request No. 96-3, William M. and Betty Jane Tower.

Motion Adopted: 5 Yea.

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

Payment in Lieu of Taxes/ Prime Hook National Wildlife Refuge  
Mr. Stickels, County Administrator, reported that a check in the amount of \$30,272.00 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. The check represents payment under the Refuge Revenue Sharing Act covering Fiscal Year 1995. The funds may be used by Sussex County for any governmental purpose. Mr. Stickels presented, for Council's authorization, the distribution of the Refuge Revenue Sharing Funds, as follows: Sussex County Council - \$5,206.79; Sussex Tech School District - \$2,751.80; Library - \$561.24; Cape Henlopen School District - \$15,954.48; and Milford School District - \$5,797.69.

M 291 96 A Motion was made by Mr. Benson, seconded by Mr. Collins, that Authorize the Sussex County Council authorizes the distribution of the Distribution/ Refuge Revenue Sharing Funds from the Prime Hook National Wildlife Refuge as follows: Sussex County Council - \$5,206.79; Sussex Tech School District - \$2,751.80; Library - \$561.24; Cape Henlopen School District - \$15,954.48; and Milford School District - \$5,797.69.

Motion Adopted: 5 Yea.

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

Surplus Vehicles Mr. Stickels, County Administrator, advised Council that there are two vehicles located at the Sussex County Airport which are no longer used and should be disposed of by the County. These vehicles, a 1957 GMC Truck and a 1966 Chevrolet Truck, were obtained through the State Division of Purchasing over twenty years ago.

M 292 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, that Dispose of Surplus Vehicles the Sussex County Council authorizes the disposing of a 1957 GMC Truck and a 1966 Chevrolet truck as surplus property to be sold as salvage.

Motion Adopted: 5 Yea.

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

DelDOT Public Workshop/ Long Range Transportation Plan Mr. Stickels, County Administrator, updated the Council on the Public Workshop that was held to solicit public input in the preparation of the Sussex County component of DelDOT's Long Range Transportation Plan. The Public Workshop, sponsored by DelDOT, was held on July 16, 1996. Mr. Stickels reviewed comments he provided to DelDOT addressing some things the County would like to see incorporated or changed in the Plan. Mr. Stickels advised that he requested that DelDOT submit the Transportation Plan to the General Assembly for adoption into law and to commit the amount of revenue needed to make the improvements to the roadways in the County.

Land Use Plan/ Concern Regarding Time Frame Mr. Collins addressed the fact that Sussex County's Comprehensive Land Use Plan is still in the process of being drafted. He expressed concern that a lot of work remains, including completion of the Sussex County portion of the Statewide Transportation Plan; a review of the Land Use Plan by the Planning and Zoning Commission and the County Council; and the scheduling of Public Hearings. Further, Mr. Collins expressed concern that the Planning and Zoning Office could get a flood of applications prior to the adoption of the Plan.

M 293 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, Rezoning. that effective July 23, 1996, at 12:00 p.m., Sussex County C/U, Planning and Zoning Department will not accept any applica- and Sub- tions for rezonings, conditional uses, or subdivisions until division the adoption of a countywide Comprehensive Land Use Plan. Applica- tions

Motion Adopted: 3 Yea, 1 Nay, 1 Abstention.

Not Accepted

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

Recommen- During the discussion and consideration of Mr. Collins' Motion, dation Mr. Bayard, County Attorney, noted that the subject of a mora- by torium was not on Council's Agenda or Amended Agenda and he County recommended that Council defer the adoption of the Motion until Attorney such time as an Ordinance regarding this issue could be drafted Regarding and a Public Hearing held. Mr. Bayard advised that his Morator- recommendation is based on Title 9, Section 7002(m), which ium states that anything the County Council does that has the force of law must be adopted by Ordinance, i.e. if the County Council does something that prohibits development, it must be done by Ordinance; it cannot be done by Motion. It was the consensus of Council that the Motion remain adopted; however, an Ordinance is to be drafted and presented to Council for consideration. Council's decision that the Motion remain adopted was based on the fact that, in the past, moratoriums have been approved by Motion and not by Ordinance.

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

(1) Freedom of Information Act Complaint

The State of Delaware Attorney General's Office received a complaint from Ms. Mattie Burton that the Sussex County Planning and Zoning Office violated the Freedom of Information Act in reference to a decision of the Board of Adjustment, Edward J. Kaye, Case No. 5780-1995. Deputy Attorney General W. Michael Tupman has found that based on the Department's review of Ms. Burton's complaint, the documents provided to the Attorney General's Office, and the response of the attorney for the Council, Peter B. Jones, the Attorney General's Office concluded that they have found no violation of the Freedom of Information Act regarding Edward J. Kaye's decision.

(2) Sussex County State Police Status Report - Second Quarter 1996 (April 1, 1996 through June 30, 1996)

	T-4	T-5	T-7
Total Hours on Duty	10,273.5	13,160	14,518.5
Hours Assisted Other Agencies	202.5	105	111

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(con't)

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total Traffic Arrests	2,393	2,874	3,019
Total DUI's	87	72	129
Accident Reports:			
Property Damage	146	212	288
Personal Injury	<u>47</u>	<u>87</u>	<u>102</u>
Total Accident Reports	193	299	390
Criminal Arrests:			
Felony	61	94	88
Misdemeanor	<u>245</u>	<u>262</u>	<u>416</u>
Total Criminal Arrests	306	356	504
Total 10-29 P's (wanted persons)	163	182	143
Total Number of Complaints	1,901	2,845	4,145

3. Public Workshop - U.S. Truck Route 9 Extension, Georgetown

The Department of Transportation public workshop regarding the extension of U.S. Truck Route 9, from South Bedford Street to U.S. Route 9, which was scheduled for Wednesday, July 24, 1996, at Delaware Technical and Community College, Jack F. Owens Campus, in the Theater Lobby from 4:00 to 8:00 p.m. has been postponed.

4. Sheriff's Sale

On Tuesday, July 16, 1996, Dennis L. Schrader, Assistant County Attorney, entered a bid on behalf of the Sussex County Council for the property located on the south side of East Pine Street, being Lot Nos. 117 and 207, in the amount of \$62,000. The property was being offered at Sheriff's Sale at the request of Wilmington Trust. The current landowners are Robert C. Wolhar, Jr., and Bonnie H. Wolhar. The property will be used as part of the new administrative building expansion for the development of 54 parking spaces.

5. Bethany Beach Water Utility Extension

Mr. Stickels has received notification from the Department of Natural Resources and Environmental Control that the Town of Bethany Beach has applied for a Certificate of Public Convenience and Necessity to provide water service for Savannahs Landing, a residential planned community located west of the Town of Bethany Beach, on the south side of Route 26. Mr. Stickels knows of no reason why the County Council should oppose this application. The Savannahs Landing RPC was approved with the stipulation that the homes would be serviced with central sewer and

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(con't)

water. Anyone wishing to inspect the application should contact Al Farling, Department of Natural Resources, 30 South American Avenue, Dover, Delaware.

6. Immigration and Naturalization Service

Immigration and Naturalization officials met with immigrants in Sussex County on Thursday, July 18, 1996, at Wesley United Methodist Church, East Laurel Street, Georgetown. INS officials assessed the needs for an office in Sussex County at the request of Senators Roth and Biden, and Congressman Castle. Approximately 100 immigrants requested assistance from INS officials from the Philadelphia Regional Office. Spokeswoman for the INS Office, Ms. Angela Smith, stated that she did not feel Sussex County warranted a Field Office. Mr. Stickels stated he is not in agreement with her assessment. He does not think you can make that decision based on one visit. One gentleman he spoke with, who lives in Maryland and works in Georgetown, was told that they could not assist him because he did not live in Delaware. He was required to go to Baltimore for any assistance. Mr. Stickels believes this illustrates why we need to have one INS Regional Office that would support the needs of immigrants for the Delmarva Peninsula. Mr. Stickels has contacted the County's Congressional representatives asking them to request INS to, again, schedule another visit to Sussex County.

Public  
Hearing

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY RELATING TO REVIEW AND INSPECTION FEES FOR BUILDING CONSTRUCTION". The Public Hearing was closed.

M 294 96  
Adopt  
Ordinance  
No. 1096

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1096 entitled "AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY RELATING TO REVIEW AND INSPECTION FEES FOR BUILDING CONSTRUCTION".

Motion Adopted: 3 Yea, 2 Abstentions.

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

Agenda  
Item

The agenda item entitled "Paramedic Station 104 - Property Lease" was deferred until another time.

Old  
Business  
C/Z  
No. 1276

Change of Zone No. 1276 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING

Old Business C/Z No. 1276 (con't) IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.9 ACRES, MORE OR LESS", filed on behalf of W. Leroy Mears, was discussed. A Public Hearing on this application was held on April 2, 1996, at which time action was deferred for the receipt of additional information from Delaware Department of Transportation; Russell Archut, Director of Planning and Permits for Sussex County; and any other written comments.

M 295 96 Adopt Ordinance No. 1097 (C/Z No. 1276) A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 1097 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.9 ACRES, MORE OR LESS" (Change of Zone No. 1276) filed on behalf of W. Leroy Mears.

Motion Adopted: 3 Yea, 2 Nay.

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

Findings of Fact The Council found that the change of zone from AR-1 to HR-2 was appropriate legislative action based on the following findings of fact:

1. HR-2 zoning is appropriate for this parcel of land. The purpose of a HR-2 zoning district is to permit a variety of housing types and provide for residential densities appropriate for areas which are or will be served by public sanitary sewer and central water systems and which are well-located with respect to major roads, shopping facilities and centers of employment.
2. The proposed change of zone and proposed development are in accordance with the Coastal Sussex Land Use Plan in that:
  - a. They are located in the designated development district and central water and sewer are available.
  - b. There are no negative environmental effects and the change of zone and development will provide housing, economic benefits and employment.
  - c. They are located near commercial development and will serve as a buffer between that commercial development and the nearby lower-density residential development.

Findings  
of Fact  
(con't)

- d. They are not in the Agricultural Zone or the Coastal Conservation Zone.
  - e. The density and type of development proposed are in accordance with the development anticipated by the plan, which recognizes that development should be concentrated in those areas where central water and sewer are available.
  - f. The applicant has shown that the proposed use is appropriate and in conformity with the plan and the intent of the Land Use Map.
3. The request promotes the health, safety, morals, convenience, order, prosperity and general welfare based on the evidence and testimony presented by the applicant including the following:
- a. The applicant has entered into an agreement with the State of Delaware, Department of Transportation, requiring the applicant to make certain improvements to County Road 274, which improvements will fully mitigate the impact of the development on County Road 274 and will not adversely impact traffic or the level of service on County Road 274 and nearby intersections.
  - b. The development will have access from County Road 274. Traffic on County Road 274 from the site will intersect Route 1 at a controlled intersection providing control signals for traffic going north or south on Route 1. The impact of the development on the existing roadways is negligible compared to the large retail uses in the area and there will be no adverse impact on the level of service on existing roadways.
  - c. Adequate fire and police protection are available nearby.
  - d. The project is located in an area which is appropriate for HR-2 zoning and characterized by a mixture of commercial development of various degrees of intensity.
  - e. That adequate central water and public sewer facilities are available and that there will be no adverse impact on nearby properties.
  - f. That adequate utility services, schools, medical facilities and shopping areas are available.
  - g. That the development will provide a substantial direct economic impact to the County in terms of jobs, pay-rolls, sewer fees, property taxes, school taxes, and transfer taxes and will provide a substantial secondary economic impact to area businesses.

Findings  
of Fact  
(con't)

- h. That the property is located in an existing mixed commercial/residential area designated as the development district and proposal will not adversely affect agriculture.
- i. That the character of the existing area is mixed commercial/residential and that the site is suitable and appropriate for the proposed use, and does not appear to have any adverse impact on property values, nearby property uses or natural resources.
- j. That there is a need for moderate priced housing in the area for year-round residents.
- k. That the findings and conclusion stated herein are based on substantial evidence comprised of the reasons stated above, the testimony and evidence presented by the Applicant and the findings of the Planning and Zoning Commission's recommendation of approval.

Old  
Business  
C/Z  
No. 1281

Change of Zone No. 1281 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A HR-1/HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.74 ACRES, MORE OR LESS", filed on behalf of Seabright Village, was discussed. A Public Hearing was held on this application on June 11, 1996, at which time action was deferred.

M 296 96  
Adopt  
Ordinance  
No. 1098  
(C/Z  
No. 1281)

A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Ordinance No. 1098 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A HR-1/HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.74 ACRES, MORE OR LESS" (Change of Zone No. 1281) filed on behalf of Seabright Village.

Motion Adopted: 4 Yea, 1 Abstention.

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

Findings  
of Fact

The Council found that the change of zone from GR to HR was appropriate legislative action based upon the following findings of fact:

- 1. HR zoning is appropriate for this parcel of land. The purpose of a HR zoning district is to permit a variety of housing types and provide for residential densities appropriate for areas served by public sewers and central

water systems and well located with respect to major roads, shopping and centers of employment.

2. The proposed development is in accordance with the Coastal Sussex Land Use Plan in that:
  - a. It is located in the designated development district and central water and sewer are available.
  - b. There are no negative environmental effects and the development will provide housing, economic benefits and employment.
  - c. It is located adjacent to existing high density development and is not in the Agricultural Zone or the Coastal Conservation Zone.
  - d. The density and type of development proposed is in accordance with the development anticipated by the plan, which recognizes that townhouses with an average density of 8 units per acre would be approximately 259 acres of new development.
  - e. Applicant has shown that the proposed use is appropriate and in conformity with the plan and the intent of the Land Use Map.
3. The request promotes the health, safety, morals, convenience, order, prosperity, and general welfare based on the evidence and testimony presented by the applicant including the following:
  - a. Based on the Transportation Support Facilities Report and Delaware Department of Transportation, the development will not adversely impact traffic or the level of service of nearby intersections. The proposed development will increase peak hour traffic by only 6 VPH (from 610 to 616 VPH).
  - b. The development will have access from County Road 270A at the only available road frontage from the site. Traffic on County Road 270A from the site will intersect Route 1 at a controlled intersection providing control signals for traffic going north or south on Route 1 or going west across Route 1. The impact of the development on existing roadways is negligible compared to the large retail uses in the area and there will be no adverse impact on the level of service on existing roadways.
  - c. Adequate fire and police protection are available nearby.

- d. The project is located in an area which is appropriate for HR zoning. There is an existing development located adjacent to the property, Beachaven, developed at a density of approximately 17 units per acre. While HR zoning would permit twelve units to an acre, the proposed development would be developed at approximately eight units to an acre as provided by a private voluntary deed restriction to be placed on the property by the applicant.
- e. That adequate central water and public sewer facilities are available and that there will be no adverse impact on nearby properties.
- f. That adequate utility services, schools, medical facilities and shopping areas are available.
- g. That the development will provide a substantial direct economic impact to the County in terms of jobs, payrolls, sewer fees, property taxes, school taxes, and transfer taxes and will provide a substantial secondary economic impact to area businesses.
- h. That the property is located in an existing mixed commercial/residential area designated as the development district and the proposal will not adversely affect agriculture.
- i. That the character of the existing area is mixed commercial/residential including adjacent high density residential of approximately 17 units per acre, that the site is suitable and appropriate for the proposed use, and does not appear to have any adverse impact on property values, nearby property uses or natural resources.
- j. That there is a need for moderate priced housing in the area for year round residents.
- k. The findings and conclusion stated herein are based on substantial evidence comprised of the reasons stated above, the testimony and evidence presented by the Applicant and the findings of the Planning and Zoning Commission's recommendation of approval.

M 297 96 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the J.S. Construction Softball Team for expenses associated with attending Nationals in Scotsdale, Georgia.

Motion Adopted: 5 Yea.

M 297 96 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

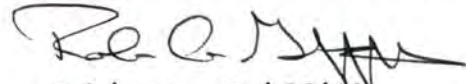
M 298 96 A Motion was made by Mr. Benson, seconded by Mr. Collins, to  
Grants give \$1,000.00 from Grants to the Georgetown Hispanic Festival  
for operating expenses.

Motion Adopted: 5 Yea.

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

M 299 96 A Motion was made by Mr. Collins, seconded by Mr. Benson,  
Adjourn to adjourn at 12:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council