

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 4, 2003

**Call to
Order**

The regular meeting of the Sussex County Council was held Tuesday, November 4, 2003, 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
James D. Griffin	County Attorney

**M 612 03
Approve
Agenda**

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

Motion Adopted: 5 Yea.

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

**M 613 03
Approve
Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the minutes of October 28, 2003, as distributed.

Motion Adopted: 5 Yea.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

DELAWARE 4-H FOUNDATION, NEWARK, DELAWARE.
RE: Letter in appreciation of grant to the Century Club endowment.

**Adminis-
trator's
Report**

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

1. Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities

The Sussex County Council Advisory Committee for the Aging and Adults with Physical Disabilities will be meeting on Monday, November 17, 2003, at 10:30 a.m. The meeting will be held at the

**Adminis-
trator's
Report
(continued)**

Harbour Lights CHEER Senior Center, 34211 Woods Edge Drive, Lewes, Delaware. The guest speaker for this meeting will be Dennis Forney from the Cape Gazette. The general public as well as the media is welcome to attend.

2. Veterans' Day

Sussex County government offices will be closed Tuesday, November 11, 2003, in observance of Veterans' Day. County offices will reopen at 8:30 a.m. on Wednesday, November 12.

There will not be a Council meeting on November 11, 2003. The next regularly scheduled Council meeting will be Tuesday, November 18, at 6:30 p.m. in the Council Chambers.

**Old
Business
C/U
No. 1504**

The County Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR EXPANSION OF CONDITIONAL USE NO. 1290 (ORDINANCE NO. 1323) FOR ADDITIONAL OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 1504) filed on behalf of Nardo, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on August 28, 2003 at which time they deferred action. On September 25, 2003, the Commission recommended approval with three conditions.

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing and discussion under Old Business. The summary and the findings and recommendations of the Commission were admitted as part of the County Council's record on this application.

The County Council held a Public Hearing on this application on September 16, 2003 at which time they deferred action.

It was noted that the applicant wants a total of five buildings on the site consisting of two existing buildings in the front and three proposed buildings in the rear and that the application is for the expansion of an existing commercial operation.

Mr. Cole requested that one of the conditions include the restriction that no retail activity will be permitted on the site.

**M 614 03
Adopt
Ordinance**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Ordinance No. 1643 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL

M 614 03
Adopt
Ordinance
No. 1643
(C/U
No. 1504)
(continued)

RESIDENTIAL DISTRICT AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR EXPANSION OF CONDITIONAL USE NO. 1290 (ORDINANCE NO. 1323) FOR ADDITIONAL OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 1504) filed on behalf of Nardo, Inc., with the following conditions:

- 1. The project shall be used for indoor storage purposes only. There shall not be any outside storage, including boats or RVs, within the project.**
- 2. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring properties.**
- 3. There shall be no retail activity on the site.**
- 4. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yea.

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

Ellendale
Sanitary
Sewer
District/
Contract A/
Change
Order
Nos. 3 & 4

Mr. Izzo, County Engineer, discussed a Proposed Change Order to the Ellendale Sanitary Sewer District, Contract A, with George & Lynch. He reported that Change Order No. 3 is a cost change order in the amount of \$27,670.00, which will be offset by a balancing change order. The balancing change order will be a credit change order in the amount of \$353,000.00. Mr. Izzo reported that the main cost in Change Order 3, in the amount of \$25,446.00, results from the extension of concrete paving further than what was anticipated. Other costs included concrete pipe bollards and a time extension of 87 days (due to inclement weather conditions) for the lease of land for the construction trailer.

Mr. Izzo discussed a Proposed Change Order No. 4 to the Ellendale Sanitary Sewer District, Contract A, in the amount of \$353,000.00. He noted that this is the balancing change order which results in a substantial decrease in the total contract cost.

M 615 03
Approve
Change
Order
Nos. 3 & 4/
Contract A/
Ellendale
Sanitary
Sewer
District

A Motion was made by Mr. Dukes, seconded by Mr. Jones, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, for Sussex County Project No. 89-16-A, Ellendale Sanitary Sewer District, that Change Order No. 3 be approved in the amount of \$27,670.28 and that Balancing Change Order No. 4 be approved to provide a time extension of 87 days and a credit in the amount of \$353,636.41, which results in a final contract total of \$4,148,625.64, subject to the approval of the Delaware Department of Natural Resources and/or the Rural Utility Service.

Motion Adopted: 5 Yea.

**M 615 03
(continued)**

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

**Ellendale
Sanitary
Sewer
District/
Contract C/
Change
Order
No. 1**

Mr. Izzo reported that, on the Ellendale Sanitary Sewer District Project, the County worked with DelDOT to come in after the contractor restored the roads to have DelDOT perform the tar and chip surface treatment restoration. The County provided the funding for the materials and DelDOT provided the labor. The Town of Ellendale and some of the residents were not satisfied with the tar and chip restoration of the roads. The County asked A.P. Croll, who is still in the area working on Contract C, to put together a proposal to hot mix overlay the roads within the Town of Ellendale town limits and on Road 213. They have submitted a cost proposal in the amount of \$199,000.00. Mr. Izzo advised that the County has received approval from the funding agencies that the funds can be expended in this manner. Mr. Izzo recommended that a change order be processed in the amount of \$199,000.00 authorizing A.P. Croll to hot mix overlay the tar and chip streets that were restored by DelDOT.

**M 616 03
Approve
Change
Order
No. 1/
Contract C/
Ellendale
Sanitary
Sewer
District**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that Change Order No. 1 for Sussex County Project No. 89-16-C, Ellendale Sanitary Sewer District, be approved in the amount of \$199,924.00, which increases the contract total from \$1,288,668.60 to \$1,488,592.60, contingent upon the approval of the Delaware Department of Natural Resources and Environmental Control and/or the Rural Utility Service.

Motion Adopted: 5 Yea.

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

**SCRWF
Expansion
No. 2/
Con-
struction
Manage-
ment
Services**

Mr. Izzo reminded Council that Phase 1 of the South Coastal Regional Wastewater Facility (SCRWF) Expansion Project will perform the upgrade of the sludge from a Class B to a Class A. The Project was awarded to Bearing Construction and the Notice to Proceed was issued. It is planned that the Project will begin on November 17th and the County needs to execute an agreement with Stearns & Wheler, the consultant for the project, to perform engineering and inspection services.

Mr. Izzo presented a Proposed Construction Management Services Agreement for SCRWF Expansion No. 2 with Stearns & Wheler. The contract amendment totals \$384,640.00.

Mr. Izzo advised that a work item has been added to the proposal. He advised that the County recently hired an electrical engineer to work on the SCADA Project; however, there is no office space for him to work out of.

**SCRWF
Expansion
No. 2
(continued)**

Mr. Izzo reported that one of the work items included in this proposal is to consider moving the laboratory and some maintenance operations out of the existing building, to create a separate building, and to create additional office space. He noted that this would just be an evaluation to determine if funds are available within the project and whether or not it is feasible to move the operations out of the administration building.

**M 617 03
Approve
Agreement
Amendment
for Con-
struction
Manage-
ment
Services/
SCRWF
Expansion
No. 2**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that Amendment No. 4 to the Agreement with Stearns & Wheler, LLC be approved to provide construction phase engineering services for the sludge upgrade and the evaluation of personnel, laboratory, and maintenance facility needs for Expansion No. 2 to the South Coastal Regional Wastewater Facility.

Motion Adopted: 5 Yea.

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

**Milton
Public
Library
Expansion/
Change
Order**

Mr. Izzo discussed the Milton Public Library Expansion Project and presented Change Order No. 1 for Council's consideration. Mr. Izzo reported that \$46,000.00 has been set aside for change orders for the project and that he believes this entire amount will be needed. He noted that Change Order No. 1 is for additional duct work for the heating and air conditioning system.

**M 618 03
Approve
Change
Order/
Milton
Public
Library
Expansion**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Consulting Architect, Weymouth Architects and Planners, that Change Order No. 1 for the Milton Public Library Expansion be approved in the amount of \$3,518.00, which increases the contract total from \$1,327,530.00 to \$1,331,048.00.

Motion Adopted: 5 Yea.

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

**Wastewater
Facilities**

Mr. Baker, Utility Construction Division, discussed the construction of wastewater facilities.

**M 619 03
Approve
Agreements/
Fenwick
Shoals,
Phase I**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 323, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Keith Properties for wastewater facilities to be constructed in Fenwick Shoals, Phase I, located in the Fenwick Island Sanitary Sewer District.

M 619 03
(continued)

Motion Adopted: 5 Yea.

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

M 620 03
Approve
Agreements/
Bay
Crossing

A Motion was made 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. 304, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Blenheim Lands, LLC for wastewater facilities to be constructed in Bay Crossing, 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 621 03
Approve
Agreements/
Villas at
Bay
Crossing,
Phase 1

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 320, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Beach Plum Dunes, LLC for wastewater facilities to be constructed in the Villas at Bay Crossing, Phase 1, 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 622 03
Approve
Agreements/
Villas at
Bay
Crossing,
Phase 2

A Motion was made 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. 339, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Blenheim Lands, LLC, for wastewater facilities to be constructed in the Villas at Bay Crossing, Phase 2, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

**M 622 03
(continued)**

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

Requests

Mr. Stickels presented grant requests for Council's consideration.

**M 623 03
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$400.00, \$200.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Accounts, to Milford Community Parades, Inc. for the annual October parade.

Motion Adopted: 5 Yea.

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

**M 624 03
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$200.00, \$100.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Accounts, to The Jefferson School for the Annual Harvest Ball fundraiser.

Motion Adopted: 5 Yea.

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

**M 625 03
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$200.00, \$100.00 each from Mr. Phillips' and Mr. Dukes' Councilmanic Accounts, to the Laurel Lions Club for the Lions Low Vision and Research Center at Johns Hopkins Wilmer Eye Institute.

Motion Adopted: 5 Yea.

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

**M 626 03
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 from Mr. Cole's Councilmanic Account to the Salt Pont Neighborhood Watch Group for supplies.

Motion Adopted: 5 Yea.

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

**Request
Tabled**

The funding request from the Delaware Storm Baseball Team was tabled.

Introduction of Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 6.44 ACRES OF A 26.13 ACRE TRACT” (Conditional Use No. 1541) filed on behalf of James B. Walsh. The Proposed Ordinance will be advertised for Public Hearing.

M 627 03 Recess At 10:50 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes, to recess until 1:00 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Rogers called Council back into session at 1:05 p.m.

Public Hearing (C/U No. 1511) 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 PRODUCE SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS” (Conditional Use No. 1511) filed on behalf of Anthony L. Freeman.

The Planning and Zoning Commission held a Public Hearing on this application on October 23rd at which time they deferred action.

Mr. Lank read a summary of the Commission’s Public Hearing. The summary was admitted as part of the record of this Public Hearing.

Mr. Lank, Director of Planning and Zoning, reported that on this date, November 4, 2003, Mr. Freeman submitted an updated entrance permit.

The Council found that Tony Freeman was present on behalf of the application. He stated that his family wants to be able to sell some of their excess produce at this location; that a lot of times they have produce that goes to waste; that they do not want people on the farm and that this location is remote from the farm but close by; that they will take the produce and the wagon home at night; that they will sell only their own produce; that the DelDOT permit approval is for an entrance on Route 275; and that no entrances are proposed on Route 275.

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

M 628 03 Defer Action (C/U No. 1511) A Motion was made by Mr. Dukes, seconded by Mr. Jones, to defer action on Conditional Use No. 1511, filed on behalf of Anthony L. Freeman.

Motion Adopted: 5 Yea.

**M 628 03
(continued)**

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

**Public
Hearing
(C/U
No. 1513)**

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 BAKERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.13 ACRES, MORE OR LESS” (Conditional Use No. 1513) filed on behalf of Linda Thurston and Karen Nash.

The Planning and Zoning Commission held a Public Hearing on this application on October 23rd at which time they deferred action.

Mr. Lank read a summary of the Commission’s Public Hearing. The summary was admitted as part of the record of this Public Hearing.

Mr. Lank reported that the location of this application is also the location of a pending application for Route 54 Hook and Slice. He noted that the site had a previous Conditional Use and that, several months ago, on behalf of Route 54 Hook and Slice, Mr. Tucker applied for an expansion. No action has been taken as of this date. Mr. Lank stated that this application is part of the original Conditional Use.

The Council found that Linda Thurston and Karen Nash were present on behalf of the application; that they want to use an existing structure on the site for a bakery; that they deliver the majority of their products off-site; that they cater parties and weddings; that they would like to be open seven days a week; that they would like to place a wall sign on the building; and that they plan to add their business sign on the marquee sign at the entrance.

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

**M 629 03
Defer
Action
(C/U
No. 1513)**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to defer action on Conditional Use No. 1513, filed on behalf of Linda Thurston and Karen Nash.

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
(C/Z
No. 1520)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A

**Public
Hearing
(C/Z
No. 1520)
(continued)**

CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1520) filed on behalf of David Reichert and Rebecca LeBlanc.

The Planning and Zoning Commission held a Public Hearing on this application on October 23rd at which time they deferred action.

It was found that no one was present on behalf of the application.

**M 630 03
Defer
Action
(C/Z
No. 1520)**

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to defer action on Change of Zone No. 1520, filed on behalf of David Reichert and Rebecca LeBlanc.

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
(C/Z
No. 1521)**

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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.5891 ACRES, MORE OR LESS” (Change of Zone No. 1521) filed on behalf of 1st State Storage Company.

The Planning and Zoning Commission held a Public Hearing on this application on October 23rd at which time they deferred action.

Mr. Lank read a summary of the Commission’s Public Hearing. The summary was admitted as part of the record of this Public Hearing.

Mr. Lank noted that the Assistant County Attorney, Vince Robertson, suggested that the Commission defer action to verify deed restrictions.

Mr. Lank noted that a letter was received from the applicant, dated October 30th, stating that he has had a chance to speak to the buyers and others in the surrounding area and has not found any objections to having duplexes on the lots and that in order to avoid any other type of commercial business on any of the lots, he proposes a deed restriction that only one duplex be allowed on each of the lots and, in addition, if someone should attempt to change that deed restriction, it shall take a two-thirds vote of the Village of Saulsbury Switch Homeowners Association to approve any change to those lots.

**Public
Hearing
(continued)**

The Council found that Mark Vugrinec was present on behalf of the application. Mr. Vugrinec stated that there are five lots on which the duplexes are proposed; that foundations for duplexes have been built on Lots 1 and 2 since they are already located in the C-1 District; that the remaining three lots were not commercially zoned as he first believed and that is why he is seeking the rezoning; that he plans to sell the three lots and the property owners will have the duplexes built; that he proposes to place a deed restriction on the lots prior to selling them; and that the deed restrictions will limit the use to duplexes for residential use.

Mr. Griffin, County Attorney, advised Council that the deed restrictions should be in place prior to approving the Change of Zone or the applicant can place anything on the lots that is permitted under C-1 zoning.

The applicant was asked to submit a copy of the deed restrictions to the County Attorney.

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

**M 631 03
Defer
Action
(C/Z
No. 1521)**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to defer action on Change of Zone No. 1521, filed on behalf of 1st State Storage Company, and to leave the record open for a copy of the deed restrictions.

Motion Adopted: 5 Yea.

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

**M 632 03
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 1:40 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council