

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-NOVEMBER 10, 1998

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, November 10, 1998, 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
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

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

Re-election Mr. Dukes congratulated Mr. Cole on his recent re-election to Council.

M 503 98
Approve
Agenda

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

Motion Adopted: 5 Yea.

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

M 504 98
Approve
Minutes

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve the minutes of the previous meeting dated October 27, 1998.

Motion Adopted: 5 Yea.

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

Corre-
spondence

Mr. Bayard, County Attorney, read the following correspondence:

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Legal Notice of four Public Hearings to be held on proposed amendments to Regulation No. 24, "Control of Volatile Organic Compound Emissions," and Regulation No. 38, "Emission Standards for Hazardous Air Pollutants for Source Categories," of the State of Delaware Regulations Governing the Control of Air Pollution.

Corre-
spondence
(con't)

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Public Hearing change of location and time for application filed by Port Contractors, Inc., to construct a materials handling and storage area where 140,000 tons of petroleum coke will be stockpiled, said Public Hearing to be held Tuesday, November 17, 1998, beginning at 6:30 p.m. at the Rose Hill Community Center, 19 Lambson Lane, New Castle, Delaware.

CHURCH OF GOD AND SAINTS OF CHRIST, BRIDGEVILLE, DELAWARE.

RE: Requesting assistance in serving Thanksgiving Day dinner to approximately 2,000 people in Sussex County.

M 505 98
Adopt
Procla-
mation

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF NOVEMBER, 1998, AS 'FRIENDS OF LIBRARIES MONTH'."

Motion Adopted: 5 Yea.

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

M 506 98
Adopt
Procla-
mation

A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt the Proclamation entitled "PROCLAMATION HONORING EDWIN O. PEPPER."

Motion Adopted: 5 Yea.

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

Delaware
Department
of Trans-
portation
(DelDOT)
Capital
Improvement
Program

Mr. Stickels, County Administrator, informed Council that he received a letter dated October 30, 1998, from B. J. Van Kavelaar, Assistant Director, Financial Investments, Delaware Department of Transportation (DelDOT), in response to the Five-Year Capital Improvement Program recommendations submitted to the State on behalf of Council on September 17, 1998. Following is a synopsis of the State's response to the County's recommendations:

1. Upgrading of Route 54 to the 100 Year Flood Plain

The portion of State Route 54 from the ditch bridge east to SR 1 is not within the 100 year flood plain and, therefore, does not need to be raised like the portion west of the ditch bridge. The condition of the bridge has been verified with the Bridge Management Section who

DeIDOT
Capital
Improvement
Program
(con't)

performs the necessary periodic inspections of the over 1,200 bridges statewide. Although there may be some minor maintenance work done, the bridge is not considered deficient and no major repair or rehabilitation is necessary at this time.

2. **Safety Improvements to Route 1 from the Five Points Intersection to the Town Limits of Dewey Beach**

The Department is working with an area citizens committee to identify necessary safety, pedestrian, and bicycle movement improvements along Route 1 from Five Points to Dewey Beach. In addition, this area has been identified as a priority corridor for integrated traffic control.

3. **Upgrading of State Road 26**

Previously, an area study to improve east-west capacity in southern Sussex County was conducted by the Department, and resulting recommendations met with local opposition. Since any significant improvements along Route 26 or Route 54 may impact adjacent property owners, local community support and public input is critical. These extensions west of the canal to U.S. 113, along with improvements to other east-west feeder routes (SR 5, 9, 16, 18, 20, and 24), are part of a Program Development effort (in the Capital Transportation Improvement Program) to identify minor transportation improvements which would alleviate congestion and address development. As recommendations are identified, the Department will bring suggestions to public forums for consensus.

4. **Feasibility Study of the Sussex County Airport Becoming a Transportation Center for Vehicles, Trains, and Commuter Airplane Service**

At this time, there are no plans for the Department to conduct a feasibility study for the Sussex County Airport to become a major multi-modal transportation center.

5. **Enhanced Vehicle Inspections**

The Department of Transportation came to the aid of the Department of Public Safety, particularly the Division of Motor Vehicle, to fund the upgrading of vehicle facilities for Kent and New Castle County, as a result of the Clean Air Legislation. The funds for the effort were limited to use in non-attainment air quality areas. At this point, Sussex County does not qualify for use of these funds, but may qualify under the new standard. The Department will continue to work with its sister

DelDOT
Capital
Improvement
Program
(con't)

departments, DNREC and Public Safety, to determine when modifications to inspection facilities are necessary in Sussex County.

6. **Comprehensive Repaving of All Secondary Roads in Sussex County**

Not Addressed.

Melissa Welch, Transportation Planner with the Delaware Department of Transportation, was present and stated that it is important that the County, as well as the cities and towns in Sussex County, stand behind the efforts of DelDOT in getting these projects accomplished.

Mr. Stickels advised that a second public workshop on the Capital Improvement Program is scheduled for January 14, 1999, which he is planning to attend.

Adminis-
trator's
Report

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

1. Economic Development Revenue Bond

I have received notification from Wilmington Trust that the Economic Development Revenue Bond for Cape Henlopen Corporation in the amount of \$250,000 has been satisfied. This bond was issued on December 6, 1983. The \$250,000 was used to construct an additional 16 units and two laundry rooms which expanded the existing motel to a 30-room motel in Lewes, Delaware.

2. Conditional Closeout Agreements for CDBG Contract Nos. 03-97 and 03-96

I have received notification from Susan A. Frank, Director, Delaware State Housing Authority, that the Housing Authority has completed their review of Conditional Closeout Agreements for Community Development Block Grant Contract Nos. 03-97 and 03-96. The Housing Authority was pleased to notify me that they have approved all records reviewed regarding the contracts. The inspection revealed that Sussex County has complied with all of the requirements under the Delaware State Housing Authority agreements. We will still have to be audited at the Federal level; however, there are no foreseen concerns.

3. Delaware State Police Status Report - Second Quarter 1998

The following hours of duty were compiled by the three

Adminis-
trator's
Report
(con't)

State Police troops in Sussex County for the second quarter of 1998:

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total Hours on Duty	13,352.5	13,370.5	16,397.5
Hours Assisted Other Agencies	195.0	56.0	102.0
Total Traffic Arrests	3,472	3,457	3,214
Total DUI's	91	132	162
Accident Reports:			
Property Damage	149	182	411
Personal Injury	<u>63</u>	<u>92</u>	<u>141</u>
Total Accident Reports	212	274	552
Criminal Arrests:			
Felony	88	59	160
Misdemeanor	<u>334</u>	<u>415</u>	<u>651</u>
Total Criminal Arrests	422	474	811
Total 10-29 P's (wanted persons)	280	175	217
Total Number of Complaints	2,149	3,704	5,202

4. Willis Warren

It is with sorrow that I inform Council of the passing of pensioner Willis Warren. Mr. Warren was employed with the County from September 1974 to March 1988 as Night Custodian. Mr. Warren passed away at age 73 on November 8, 1998.

5. Western Sussex County Outstanding Paramedic Service Award

Sussex County Paramedic Brent Hudson was recognized by the Nanticoke Rotary Club at a ceremony on Saturday, November 7, 1998, at the Delmar Fire Hall. Brent received the Outstanding Paramedic Service Award for Western Sussex County for 1998.

Brent, who has been a paramedic with Sussex County since 1991, was honored for his many contributions to Sussex County Emergency Medical Services and to the community at large. Brent is very active within the department serving on several committees, including the Hazardous Materials Medical Response Team. Brent also teaches CPR courses and EMS programs. In addition, Brent has been a member of the Dagsboro Fire Company for ten years, including the last three as an Ambulance Captain.

Adminis-
trator's
Report
(con't)

6. Public Access

Effective Friday, November 20, 1998, County Council minutes and agendas will be posted on the County's website. The County's address is www.co.sussex.de.us. I would like to thank Eddie Sparpaglione and Dennis Norwood for their assistance in making this available. They have been working on this project for approximately six months. This is the second step in the Wide Area Network Project. The first step for this project was connecting of the South Coastal Wastewater Treatment Facility to the County Administrative Office Building to improve purchase order processing. The third step will be to add the County's West Complex and the Emergency Operations Center by the end of this calendar year.

7. Veterans Day

County offices will be closed on Wednesday, November 11, 1998, to allow employees to observe Veterans Day. County offices will reopen on Thursday, November 12, 1998, at 8:30 a.m.

Red Mill
Pond South

Mr. Green, Director of Utility Construction, reviewed Change Order No. 1 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Phase III, Red Mill Pond South, Contract "1," and a recapitulation of the project to date.

M 507 98
Authorize
Change
Order/
West
Rehoboth
Expansion
of the
Dewey Beach
Sanitary
Sewer
District,
Phase III,
Red Mill
Pond South

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorize the President of the Sussex County Council to issue Change Order No. 1 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Phase III, Red Mill Pond South, Contract "1," to Teal Construction, Inc., for an amount of \$7,400.00, for a 20 foot casing extension to avoid a construction conflict with a newly installed railroad control cabinet, with an unrevised substantial completion date of September 24, 1999, and increasing this contract amount to \$4,856,248.00; and be it further moved that Sussex County Council's approval is contingent on the approval of the following agency--United States Department of Agriculture/Rural Development.

Motion Adopted: 5 Yea.

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

Savannah's
Landing -
Phase IV

Mr. Green, Director of Utility Construction, discussed the Construction Administration and Construction Inspection Agreement for wastewater facilities in Savannah's Landing - Phase IV in the Bethany Beach Sanitary Sewer District.

M 508 98
Execute
Agreement/
Savannah's
Landing -
Phase IV

A Motion was made by Mr. Collins, seconded by Mr. Jones, that based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and "RDM, Inc.," for wastewater facilities to be constructed in "Savannah's Landing - Phase IV," located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

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

Woodland
Station
Pavement
Overlay

Mr. Perez, Director of Public Works, discussed Change Order No. 1 and Substantial Completion for Project No. 98-06, Woodland Station Pavement Overlay. More hot mix was used for the project, resulting in a balancing change order for an increase of \$649.29.

Mr. Dukes advised that he received a letter dated October 29, 1998, from Charlie Towers, President, Woodland Station Association, regarding the pavement overlay project. Although the residents are very pleased with the work that was done, there was concern expressed in that two homeowners with existing asphalt driveways must now drive over a two-inch lip due to lack of apron connections. However, it was noted that the homeowners specifically requested that Mr. Perez not include any additional work in the project beyond the pavement overlay, and that is why the connections were not made. It was suggested that apron connections be included in future specifications on pavement overlay projects.

M 509 98
Grant
Substantial
Completion/
Woodland
Station
Pavement
Overlay

A Motion was made by Mr. Cole, seconded by Mr. Collins, that based upon the recommendation of the Sussex County Engineering Department, that Del-Mar-Va Paving Co. be granted Substantial Completion, effective October 1, 1998, for Sussex County Project No. 98-06, entitled "Woodland Station Pavement Overlay."

Motion Adopted: 5 Yea.

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

M 510 98
Approve
Change
Order/
Woodland
Station
Pavement
Overlay

A Motion was made by Mr. Rogers, seconded by Mr. Jones, that based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Project No. 98-06, entitled "Woodland Station Pavement Overlay," be approved, which increases the contract total from \$41,550.00 to \$42,199.29.

Motion Adopted: 5 Yea.

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

Interest
Rates

Mr. Cole questioned if the County is doing anything to take advantage of the current low interest rates with sewer projects, etc. Mr. Izzo, County Engineer, stated that funding for future sewer projects is being pursued as quickly as possible so that the County may benefit from these favorable rates. Mr. Baker, Finance Director, also reported that bond anticipation notes are being looked at as a means of interim financing to save interest costs during project construction.

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 ANTIQUES AND CRAFT SHOP AND WILDLIFE AND FOLK ART TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.05 ACRES, MORE OR LESS" (Conditional Use No. 1265) filed on behalf of Nancy C. Rhue. The Proposed Ordinance will be advertised for Public Hearing.

M 511 98
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$500.00 from Mr. Rogers' Councilmanic Account to the Milton Lions Club for a storage shed.

Motion Adopted: 5 Yea.

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

M 512 98
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$400.00 from Mr. Collins' Councilmanic Account to the Town of Dagsboro for lighting for the Katie Helm Park.

Motion Adopted: 5 Yea.

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

M 513 98
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Rogers, to give \$500.00 from Mr. Collins' Councilmanic Account to the Town of Delmar to promote tourism in conjunction with U.S. Route 13 Speedway events.

Motion Adopted: 5 Yea.

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

M 514 98
Human
Service
Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$800.00 from the 1999 Human Service Grants to the Bridgeville Church of God and Saints of Christ to assist in providing Thanksgiving Day dinner to approximately 2,000 people.

Motion Adopted: 5 Yea.

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

Recognition

Mr. Dukes recognized Sussex County Sheriff-Elect Robert Reed and congratulated him on his recent election.

M 515 98
Recess

At 11:10 a.m., a Motion was made by Mr. Collins, seconded by Mr. Cole, 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.

Stockley
Veterans
Cemetery

Mr. Dukes announced that he received a telephone call from Charles Farrell inviting Council to see the work that has been done at the Veterans Cemetery at Stockley on Thursday, November 12, 1998, at 1:30 p.m.

Public
Hearing
(C/Z
No. 1353)

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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 17.06 ACRES, MORE OR LESS" (Change of Zone No. 1353) filed on behalf of Patricia Mae Correll. There were no public comments and the Public Hearing was closed.

M 516 98
Adopt
Ordinance
No. 1271
(C/Z
No. 1353)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1271 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 17.06 ACRES,

M 516 98
(con't)

MORE OR LESS" (Change of Zone No. 1353) filed on behalf of Patricia Mae Correll.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, 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 by substantial evidence that the change of zone will promote the purposes and goals of the Comprehensive Land Use Plan and Delaware's Quality of Life Act by preserving valuable agricultural land in Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1262)

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 AN ELECTRICAL BUSINESS OFFICE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS" (Conditional Use No. 1262) filed on behalf of Gerone C. and Patricia C. Hudson. There were no public comments and the Public Hearing was closed.

M 517 98
Adopt
Ordinance
No. 1272
(C/U
No. 1262)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1272 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL BUSINESS OFFICE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS" (Conditional Use No. 1262) filed on behalf of Gerone C. and Patricia C. Hudson, with the following conditions:

1. No outside storage of materials shall be permitted.
2. Parking of service vehicles shall be permitted to the rear of the building.
3. One non-illuminated sign, not exceeding 32 square feet per side or facing, may be permitted.
4. Area between parking area and the ditch shall be maintained in grass and/or landscaping.

M 517 98
(con't)

5. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all required agency approvals and/or permits.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, 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 by substantial evidence that the proposed use will enable their long-established business to grow and to continue to serve local residential and business customers, without adverse impact of any sort.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1352)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37,970 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1352) filed on behalf of Louis Moses, Dora Moses, and James Moses. There were no public comments and the Public Hearing was closed.

M 518 98
Adopt
Ordinance
No. 1273
(C/Z
No. 1352)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1273 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37,970 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1352) filed on behalf of Louis Moses, Dora Moses, and James Moses.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, 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 by substantial evidence that

Findings
of Fact
(con't)

the change of zone will enable their business to grow, without adverse impact of any sort upon the neighboring community.

2. The change of zone, as an extension to an existing commercial area, is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1354)

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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.619 ACRES, MORE OR LESS" (Change of Zone No. 1354) filed on behalf of The State of Delaware, Department of Transportation. Public comments were heard and the Public Hearing was closed.

M 519 98
Adopt
Ordinance
No. 1274
(C/Z
No. 1354)

A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt Ordinance No. 1274 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.619 ACRES, MORE OR LESS" (Change of Zone No. 1354) filed on behalf of The State of Delaware, Department of Transportation.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, 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 by substantial evidence that the change of zone will bring its entire property in zoning conformity, without adverse impact of any sort on neighboring properties or the community. The neighborhood is further protected because the construction proposed by the applicant will require a variance from the Board of Adjustment, subject to terms and conditions.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Conflict
of Interest

Citing a potential conflict of interest, Mr. Cole did not participate in the last Public Hearing on Change of Zone No. 1355, filed on behalf of Consolidated Land Trust, L.L.C.

Public
Hearing/
Action
Deferred
(C/Z
No. 1355)

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR/RPC MEDIUM DENSITY/RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 40.62 ACRES, MORE OR LESS" (Change of Zone No. 1355) filed on behalf of Consolidated Land Trust, L.L.C. Public comments were heard in favor of and in opposition to the application. The Public Hearing was closed and action was deferred until a recommendation is rendered by the Planning and Zoning Commission.

M 520 98
Adjourn

A Motion was made by Mr. Rogers, seconded by Mr. Collins, to adjourn at 2:58 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Susan W. Webb
Acting Clerk of the County Council