

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-NOVEMBER 12, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, November 12, 1991, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 473 91
Approval
of Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

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

SUE H. BARLOW, COORDINATOR, CAROLLING ON THE CIRCLE, GEORGETOWN

RE: Carolling On The Circle is once again being hosted by the Town of Georgetown. The event will continue to promote the themes of "Helping Sussex County's Needy" and "Community Unity" by collecting canned goods for distribution to participating social service agencies throughout Sussex County. The letter included a request for \$400 to assist in securing quality sound equipment for the event. Also, the Council was asked to lead two carols early in the program.

M 474 91
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$400, \$80 from each of the five Councilmanic Accounts, to Carolling On The Circle to assist with securing sound equipment for the event. Motion Adopted: 5 Yea.

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

C/U #986

President Dukes announced that approximately ten letters were received concerning Conditional Use No. 986, filed on behalf of Kuhn Family Sussex Partnership. Since the Public Hearing was closed October 29, 1991, the letters will not be read into the public record.

November 12, 1991

Road 303
Vacation

Mr. Stickels, County Administrator, reviewed a letter from the Department of Transportation asking Council's input on a request by Townsend Properties, Inc. to vacate County Road No. 303; it lies between County Roads 297 and 304. After discussion, Mr. Stickels was directed to ask the Department of Transportation for a traffic count and advise that comments will be withheld until this information is available for review.

Road 299
Vacation

Mr. Stickels, County Administrator, reviewed a Resolution prepared by the Delaware Department of Transportation concerning the vacation of a portion of County Road No. 299, Indian River Hundred, Sussex County. The Resolution sets out conditions agreed upon by Townsend Properties, Inc. concerning the grave site located on the property. Councilman Stevenson suggested that a road be made available within 100 feet of the grave site, and that the Bureau of Archaeology and Historic Preservation be contacted to comment on the second grave site located on the parcel. Since this road is included in the Bay Farms development, the Planning and Zoning Commission will be asked to specify terms and conditions for the roadway on the site plan. The matter will be placed on the Agenda again next week.

Proposed
Absentee
Voting
Ordinance
Revision

Richard Berl, Esquire, and Russell Archut, Planning and Permits Division Director, discussed a revision prepared for Proposed Ordinance to Amend Chapter 110 relating to providing absentee balloting in Sussex County sanitary sewer and water district elections. Public hearing was held November 5, 1991, and action was deferred to allow review and consideration of the public comments concerning geographical restrictions. The revision addresses this concern and includes verbiage stating that any qualified voter may cast his vote by absentee ballot if he is unable to appear at the designated polling place due to residing outside Sussex County and is unavoidably absent on the day of the election. It was the consensus of the Council that this revision be incorporated in the Proposed Ordinance.

M 475 91
Adopt
Ordinance
No. 798
Absentee
Voting

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 798 entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY TO PROVIDE FOR ABSENTEE BALLOTING IN SUSSEX COUNTY SANITARY SEWER AND WATER DISTRICT ELECTIONS, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF." Motion Adopted: 5 Yea.

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

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Adminis-
trator's
Report

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

1. Sussex County Government Drug Free Work Place - In an effort to promote the employment of County employees in a drug free work place, we will be distributing 1,000 litter bags compliments of the Sussex County Council.
2. Memorandum - Office of State Budget Director - A memorandum outlining State projects that have applied for federal funding was distributed for Council's review. Russell Archut, of the Engineering Department, had been asked to obtain more information on Project No. 91-10-11-02 - Apartment Complex/Elderly, Frankford.
3. Coastal Storm of October 31 and November 1, 1991 - Heather Sheridan, Operations Supervisor for the South Coastal Regional Wastewater Facility, informed the County Administrator that Mark Murray, Kevin Van Auken, Steve Hudson, Norris Derrickson, Nathan Mitchell, and Kenny Stevenson worked 24 consecutive hours starting on October 31, 1991, because of storm-related problems with the collection and transmission systems of the South Coastal Regional Wastewater Facility. On Friday, November 1, 1991, Rex Powell, Steve Hickman, and William Wells, along with Heather Sheridan, worked past midnight in correcting additional problems that developed. There were no environmental problems as a result of this storm. The long-term effects of the saltwater on the pumps will not be known for months. There could be maintenance problems with seals and gaskets in the future. All of the South Coastal Regional Wastewater Facility employees worked diligently during the hectic days of the storm system and their efforts are publicly applauded.

Mr. Cole questioned if there is any possible way of isolating the collection and transmission systems from storm-related problems. Further protection is being studied by the Engineering Department.

Paramedic
Agreement
for Unit
Placement

Mr. Stevenson, Paramedic Director, reviewed a Memorandum of Agreement between Sussex County Council and Delaware Department of Health and Social Services, Division of Mental Retardation, Stockley Center, for the stationing of a paramedic unit at the Stockley Center. The Agreement outlines conditions agreed upon by both parties concerning the use of the facility.

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Paramedic Agreement (Con't.)

Stockley Center agrees to provide space (three rooms) in the Medical Center; provide space connected to, or immediately adjacent to, the office for the County to erect a garage building approximately 14 x 25 feet; allow parking for personal vehicles of the on-duty crew; permit the use of a bathroom facility; add a shower; and, provide this space rent-free.

Sussex County agrees to provide, pay for, and maintain all telephone services for the use of the crew; pay any costs associated with building the garage; pay any costs of heating the garage; provide materials for the addition of shower facilities; avoid the use of excessive speed and siren use while at the Center; retain the right to remove the garage building at the end of occupancy at Stockley [if removed, the garage area will be restored to prior usage]; and, hold harmless Stockley Center for any liabilities incurred by the Paramedics. Mr. Schrader, Assistant County Attorney, has reviewed and approved the Memorandum of Agreement.

M 476 91
Execute Memorandum of Agreement for Paramedic Unit

A Motion was made by Mr. Benson, seconded by Mr. Collins, authorizing the President of the County Council to execute the Memorandum of Agreement with Stockley Center which allows a Paramedic unit to be stationed there. Motion Adopted: 5 Yea.

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

C/U #968

Conditional Use No. 968, filed on behalf of Gene H. Huey, was discussed. Public Hearing was held on May 28, 1991, and action was deferred.

M 477 91
Adopt Ordinance No. 799
C/U #968

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 799 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRSTRIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 35.939 ACRES, MORE OR LESS" (C/U #968) filed on behalf of Gene H. Huey, subject to the following stipulations:

1. The maximum number of aircraft on site shall be three, and shall include the applicant's personal aircraft.

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M 477 91
Ordinance
No. 799
(Con't.)

2. The site shall not be used for crop dusting or aerial spraying.
3. The aircraft utilizing the site shall be limited to single engine aircraft.
4. No commercial activities shall be conducted on the site.
5. No fuel shall be stored on the site except for fuel to be utilized by the applicant.
6. The runways shall not be lighted.
7. No repair or maintenance of aircraft shall be conducted on the site, except for aircraft owned by the applicant.

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
C/U #968

The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that a clear need exists for well-located additional private airstrips, since Milford Air Park has closed and the Laurel Air Park is for sale.
2. The applicant established by substantial evidence that the proposed site is well-located and the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the quality of the environment in the immediate area.
3. The proposed use is not inconsistent with the Comprehensive Zoning Ordinance or the Western Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Angola
Central
Water
System

Mr. Izzo, Public Works Division Director, discussed a proposal from Tidewater Utilities, Inc. for a water service agreement to serve the Angola Groundwater Management Zone. A Memorandum of Understanding between Sussex County and the Delaware Department of Natural Resources and Environmental Control was executed August 9, 1988, concerning six County landfills, now closed, but previously operated that were suspected to be contaminating groundwater. In compliance with the

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Angola
Central
Water
System
(Con't.)

Memorandum, groundwater management zones were established by Roy F. Weston, Inc. (Weston) and monitoring of the groundwater has continued at each site. The Angola Central Water System is the first water district to be established by the County. However, negotiations are taking place for providing this service at Walkers Mill.

M 478 91
Execute
Contract -
Tidewater
Utilities

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that the President of the Sussex County Council be authorized to execute a contract with Tidewater Utilities, Inc. to design, construct, operate, and maintain a central water system to service the Angola Groundwater Management Zone. Motion Adopted: 5 Yea.

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

Septage
Instrumentation
Bid

Mr. Wood, County Engineer, reported that only one bid was received for septage instrumentation. The bid was submitted by Microbics Corporation, California, and the bid price was \$20,311. Descriptive specifications appear to meet those specified by the Engineering Department. The equipment will provide a means of obtaining toxicity data on septage within a ten minute time frame. A recommendation will be brought back to Council at a later time.

West
Rehoboth
Value
Engineering
Contract

Mr. Wood, County Engineer, and Mr. Bert Curry, Roy F. Weston, Inc., discussed the West Rehoboth Value Engineering Contract. On October 29, 1991, Council authorized the Engineering Department to enter into negotiations with Roy F. Weston, Inc. for the first phase of two phases of value engineering services for the collection, transmission, treatment, and disposal options and designs of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 479 91
Execute
Contract -
West
Rehoboth
Expansion
Engineering
Evaluations

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Engineering Department, that the County Council President be authorized to enter into a contract with Roy F. Weston, Inc. to perform Engineering Evaluations on (1) the West Rehoboth Expansion Project Facilities Plan; and (2) the 30 Percent Design Level Collection, Transmission, Treatment and Disposal Drawings of the recommended alternative, for an amount not to exceed the estimate of \$191,500. Motion Adopted: 5 Yea.

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M 479 91
(Con't.)

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

Long Neck
SSD

Mr. Green, Utility Construction Division Director, reviewed a recapitulation to date for Contract No. 4 for the Long Neck Sanitary Sewer District.

M 480 91
Contract
No. 4 -
Long Neck
SSD

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., and the Sussex County Engineering Department, that the Sussex County Council President be authorized to issue Change Order No. 6 for the Long Neck Sanitary Sewer District, Contract No. 4, to Teal Construction Co., Inc. for the installation of lateral cleanouts for an amount of \$64,310, increasing this contract amount to \$4,403,737.36. Motion Adopted: 5 Yea.

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

Long Neck
SSD

Mr. Green, Utility Construction Division Director, reviewed a recapitulation to date for Contract No. 6 for the Long Neck Sanitary Sewer District.

M 481 91
Contract
No. 6
Long Neck
SSD

A Motion was made by Mr. Benson, seconded by Mr. Collins, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., and the Sussex County Engineering Department, that the Sussex County Council President be authorized to issue Change Order No. 11 for the Long Neck Sanitary Sewer District, Contract No. 6, to L. A. Merrell Construction Company, Inc. for 13 items described in Change Order No. 11, and for an associated 20 day contract time extension for L. A. Merrell and KCI Technologies, Inc., for a total amount not to exceed \$30,222.27. Motion Adopted: 5 Yea.

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

Proposed
Ordinance
C/U #993

Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES AND GENERAL BUSINESS USES TO BE LOCATED ON A CERTAIN PARCEL

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Proposed
Ordinance
(Con't.)

OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.37 ACRE, MORE OR LESS" (C/U #993) filed on behalf of John W. Cooper and/or assigns. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1146

Mr. Cole introduced 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 3.75 ACRES, MORE OR LESS" (C/Z #1146) filed on behalf of Joseph Galvagna, Sr. and Steve Galvagna. The Proposed Ordinance will be advertised for Public Hearing.

Agenda
Request

Councilman Cole requested time on the Agenda next week to discuss a memo from Mr. Bayard, County Attorney, concerning the Council Policy that all land use ordinances be prepared by County Staff only upon the request of the Council President, with the consent of the County Council. The matter will be addressed during "Any Additional Business" on the Agenda next week.

M 482 91
Recess

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to recess at 11:55 a.m. Motion Adopted by Voice Vote.

Reconvene

President Dukes called the Council back into session at 1:30 p.m.

Public
Hearing
C/U #987

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MODEL HOME SALES OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (C/U #987) filed on behalf of Charlotte Nelte. The Public Hearing was closed.

M 483 91
Adopt
Ordinance
No. 800
C/U #987

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 800 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MODEL HOME SALES OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (C/U #987) filed on behalf of Charlotte Nelte, with the following stipulation:

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M 483 91
Ordinance
No. 800
(Con't.)

1. Signage shall not exceed 32 square feet per side or facing.

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
C/U #987

The County Council found that the conditional use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare. The Council found that the conditional use is consistent with other land uses in the immediate area.

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

Public
Hearing
C/U #988

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE OPERATION OF A TIRE SALES AND SERVICE BUSINESS, DEMOLITION AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.79 ACRES, MORE OR LESS" (C/U #988) filed on behalf of John E. and Janet E. Macklin. The Public Hearing was closed.

M 484 91
Adopt
Ordinance
No. 801
C/U #988

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 801 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE OPERATION OF A TIRE SALES AND SERVICE BUSINESS, DEMOLITION AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.79 ACRES, MORE OR LESS" (C/U #988) filed on behalf of John E. and Janet E. Macklin, with the following stipulations:

1. All tires shall be stored in the warehouse or storage building.
2. All tire sales and service activities, on site, shall be performed in service bays, not outside.
3. No tires, materials or debris shall be stored outside of the warehouse or storage building.
4. No inoperable, unlicensed vehicles shall be stored on site, unless within the warehouse or storage building.

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M 484 91
Ordinance
No. 801
C/U #988
(Con't.)

5. All junk, debris, trailer frames, inoperable, unlicensed trucks and buses, and storage tanks shall be removed from the premises within six months of the approval of this conditional use, unless stored within the warehouse or storage building.
6. All business vehicles shall be parked in an orderly manner per an approved site plan.
7. No materials or debris shall be burned or buried on site.
8. Stockade fencing shall be provided along Route 206 in the same fashion as the existing fence along Route 207. Fencing shall be maintained in a good appearance.
9. Advertising signage shall be limited to one sign per street frontage. Signs shall not exceed 32 square feet per side or facing.
10. The applicant shall present all appropriate agency permits and/or approvals for entrances, building code and fire marshal regulations, and sediment, erosion and stormwater management regulations.
11. The site plan shall be reviewed and approved by the Planning and Zoning Commission.
12. Permits issued under this conditional use approval may be revoked by the Planning and Zoning Director for failure to comply with conditions of approval or applicable regulations per Chapter 115, Article XXIV, Section 115-176, of the Code of Sussex County.
13. That the conditional use for demolition business and the landscaping business be limited to an office and the parking of vehicles and equipment relating to that demolition business and landscaping business.
14. That the conditional use be limited to 2.5 acres, pursuant to a drawing submitted by the applicant at the November 12, 1991, County Council hearing.

Motion Adopted: 5 Yea.

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

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Findings
of Fact
C/U #988

The County Council found that the conditional use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare.

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

Public
Hearing
C/U #989

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXCAVATION OF A HILL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 25.92 ACRES, MORE OR LESS" (C/U #989) filed on behalf of Townsend, Inc. The Public Hearing was closed.

M 485 91
Adopt
Ordinance
No. 802
C/U #989

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 802 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXCAVATION OF A HILL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 25.92 ACRES, MORE OR LESS" (C/U #989) filed on behalf of Townsend, Inc., with the following stipulations:

1. That all material removed shall be used for and by Townsend, Inc. for agricultural and agricultural-related purposes, and shall not be sold.
2. The site plan shall require review and approval by the Planning and Zoning Commission.
3. The operation of the extractive use shall adhere to the terms and conditions of Sussex County's joint lease, executed March 9, 1990.
4. The hill shall not be mined below an elevation which is located two feet above the general elevation of the northern spray irrigation circle of the Inland Bays Regional Wastewater Facility.
5. The final grading shall not result in stormwater ponding in the northern spray irrigation circle and the associated 150 foot buffer.
6. Any wooded area located within the 150 foot buffer and affected by the operation shall have trees replanted. Also, any affected slopes shall be stabilized to prevent erosion.

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M 485 91
(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

Findings
of Fact
C/U #989

The Council found that the conditional use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare.

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

Public
Hearing
C/Z #1143

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES/REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.12 ACRES, MORE OR LESS" (C/Z #1143) filed on behalf of Charles E. Turner, Jr. The Public Hearing was closed.

M 486 91
Adopt
Proposed
Ordinance
C/Z #1143
(Denied)

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt 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 LEWES/REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.12 ACRES, MORE OR LESS" (C/Z #1143) filed on behalf of Charles E. Turner, Jr. Motion Denied: 4 Nay; 1 Abstention.

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

Findings
of Fact
C/Z #1143

The Council found that the change of zone was not in accordance with the Comprehensive Development Plan and did not promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. Specifically, the Council found that no evidence was presented at the public hearing in support of the application. The Council found that evidence in opposition was presented, including concerns due to changing the residential appearance and character of the area, need, groundwater contamination, traffic, safety, and security.

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Public
Hearing
C/Z #1142

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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.43 ACRES, MORE OR LESS" (C/Z #1142) filed on behalf of Gordon M. and Sandra D. Mariner. The Public Hearing was closed.

M 487 91
Adopt
Ordinance
No. 803
C/Z #1142

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 803 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.43 ACRES, MORE OR LESS" (C/Z #1142) filed on behalf of Gordon M. and Sandra D. Mariner. 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
C/Z 1142

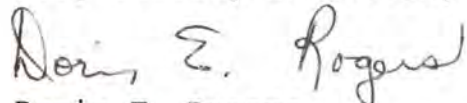
The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 488 91
Adjourn

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

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council