



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 10, 2010

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 10, 2010, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
Michael H. Vincent	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Samuel R. Wilson, Jr.	Councilman
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Deputy Administrator
J. Everett Moore	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Phillips.

Mr. Phillips called the meeting to order.

M 426 10 A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to amend the
Amend Agenda by deleting “NRG Power Program Update” and by deleting
and “Personnel” and “Pending/Potential Litigation” under “Executive Session”;
Approve and to approve the Agenda, as amended.
Agenda

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
 Mr. Cole, Yea; Mr. Vincent, Yea;
 Mr. Phillips, Yea

Minutes The minutes of August 3, 2010 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

REHOBOTH BEACH MAIN STREET FIREWORKS COMMITTEE.
RE: Letter in appreciation of paramedic support and participation during the July 4th fireworks event.

ZWAANENDAEL CLUB, LEWES, DELAWARE.

RE: Note to Councilwoman Deaver in appreciation of \$600.00 grant.

**Advisory
Committee
for the
Aging
M 427 10
Reappoint
Members/
Advisory
Committee
for the
Aging and
Adults
with
Physical
Disabilities**

Mr. Baker reported that the terms of the eleven members of the Advisory Committee for the Aging and Adults with Physical Disabilities will expire at the end of August. It was noted that members are appointed for a term of two years.

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to reappoint James Moseley (District 1), Anna Short (District 1), Albert Clark (District 4), Robert Draine (District 4), Raymond Moore, Sr. (District 5) and Sally Beaumont (District 5) to the Advisory Committee for the Aging and Adults with Physical Disabilities for a term of two years.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

Mr. Wilson and Mrs. Deaver stated that they would like to defer on the appointments of the members in their Districts.

**Manu-
factured
Housing
Committee
Recom-
mended
Ordinances**

Lawrence Lank, Director of Planning and Zoning, presented two draft ordinances relating to manufactured housing for the Council's consideration.

The first ordinance amends the ordinance that was introduced on August 3rd, to reflect the concern that there is a need to replace in various sections of the County Code, language such as house trailer, single-wide, etc., with the words "manufactured home". It also reflects the change from trailer park, trailer court, etc., to "manufactured home park". It was suggested that the County Council may want to rescind the corresponding ordinance that was introduced on August 3rd and replace it with this ordinance that adds the above noted items.

**M 428 10
Strike
Previously
Introduced
Ordinance
and
Substitute
New Draft
Ordinance**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to strike the Ordinance amending Chapter 115 introduced on August 3, 2010 relating to definitions regarding manufactured homes and to substitute in its place the draft ordinance presented on this date (Title of the Ordinance: "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I RELATING TO DEFINITIONS REGARDING MANUFACTURED HOMES").

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

Ordinances (continued) Mr. Lank reported that the second ordinance, relating to variances, was recommended by a consensus of the Manufactured Housing Committee.

Introduction of Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVII §115-211 RELATING TO VARIANCES”.

It was noted that all four Proposed Ordinances relating to manufactured housing will be advertised for a combined Public Hearing.

Administrator’s Report Mr. Baker read the following information in his Administrator’s Report:

1. Delaware State Police Report – June 2010

As per the attached report from the Delaware State Police, 4,198 complaints were handled in the month of June, 1,414 criminal arrests were made, and 3,809 traffic arrests also occurred during the month. Details of the activity are provided in the attached report.

2. Dog Control Report

Attached is a copy of the July report from Delaware Animal Care and Control. As noted in the report, there were 559 service and bite case calls handled during the month. Also included is a report on revenue received from dog licenses since inception of the program in January 2010. As noted, \$83,955 has been collected by the County for dog licenses.

3. Property Tax Bills

We are pleased to report that virtually all property tax bills will have been mailed by August 10, 2010, for the Fiscal 2011 tax billing. As previously noted, the property tax bills are due September 30, 2010. Interest will be charged thereafter at a rate of 1.5 percent as per State law. Attached is a copy of the insert sent with each bill.

[Attachments to the Administrator’s Report are not attachments to the minutes.]

Housing Rehabilitation Loan Program Update William Lecates, Director of Community Development and Housing, discussed the Housing Rehabilitation Loan Program (HRLP), which is a program that provides housing rehabilitation loans for affordable housing. He reported that the County has utilized the program for 6 units in 2010 and a total of 34 units since 2005. Mr. Lecates stated that the program, which provides a 3 percent loan, is under-utilized. It was noted that the County processes applications and monitors the rehabilitation program.

Cynthia Karnal-Crossan, Delaware State Housing Authority, presented an

**Program
Update
(continued)**

overview of the Housing Rehabilitation Loan Program. She advised that the HRLP is a loan which is designed to help homeowners and landlords repair their homes, i.e. housing code items, safety and health items, or accessibility issues. The terms of the HRLP loan are 15 years at 3 percent simple interest. The income guidelines go up to 115 percent of median income (\$80,400 in Sussex County). Borrowers must apply through the Community Development Office. For homeowners, the loan amount is up to \$35,000 per unit and household income limits apply. For landlords, the loan amount is up to \$25,000 per unit and landlords must confirm that their tenants meet income and rent restrictions set annually by HUD. It was noted that detailed income guidelines are available on the DSHA's website.

**Old
Business/
C/U
No. 1837**

The Council considered Conditional Use No. 1837 filed on behalf of Harold J. Bowden.

The Planning and Zoning Commission held a Public Hearing on this application on June 24, 2010 at which time they deferred action. On July 14, 2010, the Commission recommended that the application be approved with the following conditions:

- 1. There shall be no more than seven vehicles or pieces of construction equipment stored on the property and all of the equipment and vehicles stored must be operational.**
- 2. There shall be no fuel storage on site.**
- 3. As proposed by the Applicant, the hours of operation shall be between the hours of 8:00 a.m. and 3:00 p.m. weekdays.**
- 4. No blacktop or asphalt products shall be stored on the property.**
- 5. There shall not be any signage permitted on the property.**
- 6. Any security lights shall be installed so that they are screened from shining onto neighboring properties or Old Mill Road.**
- 7. The approval shall be limited to a period of five years from the date of adoption of an Ordinance approving the Conditional Use by County Council.**
- 8. This Conditional Use shall expire upon the transfer or sale of the property to anyone other than the Applicant, Harold J. Bowden.**
- 9. There shall not be any repair work performed on site.**
- 10. The construction storage yard shall be fenced to completely screen it from view of neighboring and adjacent properties.**
- 11. The Final Site Plan shall show the location of the fence surrounding the storage yard.**
- 12. The Final Site Plan shall indicate all areas for vehicle equipment storage, material storage and employee parking. All of these uses shall be within the fenced area as shown on the Final Site Plan.**
- 13. The Applicant's residence shall be separate from the fenced construction storage yard to maintain the residential appearance of the property.**
- 14. Materials stored on-site shall be limited to stone and topsoil.**
- 15. The site is to be used only by one contractor.**
- 16. The Final Site Plan shall be subject to the review and approval of**

the Planning and Zoning Commission.

**M 429 10
Amend
Condition
No. 11/
C/U
No. 1837
M 429 10
(continued)**

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to amend Condition No. 11 recommended by the Planning and Zoning Commission, as follows: “The Final Site Plan shall show the location of the fence surrounding the storage yard and said fence shall be 20 feet from the right-of-way of Old Mill Road.”

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**M 430 10
Adopt
Ordinance
No. 2139
(C/U
No. 1837)**

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to Adopt Ordinance No. 2139 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RENEWAL AND CONTINUATION OF A CONSTRUCTION STORAGE YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.07 ACRES, MORE OR LESS” (Conditional Use No. 1837) filed on behalf of Harold J. Bowden, with the following conditions, as amended:

- 1. There shall be no more than seven vehicles or pieces of construction equipment stored on the property and all of the equipment and vehicles stored must be operational.**
- 2. There shall be no fuel storage on site.**
- 3. As proposed by the Applicant, the hours of operation shall be between the hours of 8:00 a.m. and 3:00 p.m. weekdays.**
- 4. No blacktop or asphalt products shall be stored on the property.**
- 5. There shall not be any signage permitted on the property.**
- 6. Any security lights shall be installed so that they are screened from shining onto neighboring properties or Old Mill Road.**
- 7. The approval shall be limited to a period of five years from the date of adoption of an Ordinance approving the Conditional Use by County Council.**
- 8. This Conditional Use shall expire upon the transfer or sale of the property to anyone other than the Applicant, Harold J. Bowden.**
- 9. There shall not be any repair work performed on site.**
- 10. The construction storage yard shall be fenced to completely screen it from view of neighboring and adjacent properties.**
- 11. The Final Site Plan shall show the location of the fence surrounding the storage yard and said fence shall be 20 feet from the right-of-way of Old Mill Road.**
- 12. The Final Site Plan shall indicate all areas for vehicle equipment storage, material storage and employee parking. All of these uses shall be within the fenced area as shown on the Final Site Plan.**
- 13. The Applicant’s residence shall be separate from the fenced**

construction storage yard to maintain the residential appearance of the property.

14. Materials stored on-site shall be limited to stone and topsoil.

15. The site is to be used only by one contractor.

16. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

M 430 10 **Motion Adopted: 5 Yeas.**
(continued)

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

Requests Mrs. Webb presented grant requests for the Council’s consideration.

**M 431 10 A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to give
Community \$4,700.00 (\$2,350.00 each from Mr. Phillips’ and Mr. Vincent’s Community
Grant Grant Accounts) to the Laurel Public Library for building repairs.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**M 432 10 A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give
Community \$1,000.00 from Mr. Cole’s Community Grant Account to the Rehoboth
Grant Cooperative Preschool for operating costs.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**M 433 10 A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to give
Community \$500.00 (\$100.00 from each Community Grant Account) to the Delaware
Grant Lions Foundation for humanitarian services and service projects.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**Introduction Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE
of Proposed TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM
Ordinance DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY**

DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6,000 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1872) filed on behalf of Kim Swann. The Proposed Ordinance will be advertised for Public Hearing.

There was no additional business.

M 434 10 **At 10:43 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Vincent, Go Into**
Executive **to recess the Regular Session and to go into Executive Session for the**
Session **purpose of discussing issues relating to land acquisition. Motion Adopted**
 by Voice Vote.

Executive **At 10:44 a.m., an Executive Session was held in the Caucus Room of the**
Session **Council Chambers for the purpose of discussing issues relating to land**
 acquisition. The Executive Session concluded at 10:56 a.m.

Action **There was no action necessary on Executive Session items.**

M 435 10 **At 10:59 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Vincent,**
Recess **to recess until 1:30 p.m. Motion Adopted by Voice Vote.**

M 436 10 **A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to reconvene**
Reconvene **at 1:33 p.m. Motion Adopted by Voice Vote.**

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
C/U **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AWNING**
No. 1843 **AND SUNROOM RETAIL BUSINESS TO BE LOCATED ON A**
 CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND
 REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.14
 ACRES, MORE OR LESS” (Conditional Use No. 1843) filed on behalf of
 Ronald Simmons.

Mr. Moore informed the Council that when this application was originally filed, it was filed by his office (Moore & Rutt) on behalf of Mr. Simmons. For this reason, Mr. Moore stated that he contacted Mr. Robertson and Mr. Berl, Assistant County Attorneys, to see if they would be available on this date to conduct the Public Hearing. Neither of them are available; therefore, Mr. Moore stated that he would conduct the Public Hearing, however, if any legal questions arise, he would not respond and action on the application could be deferred until the Council could obtain an answer.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 22, 2010 at which time they recommended that the application be approved with the following conditions:

Public
Hearing/
C/U
No. 1843
(continued)

1. The use shall be limited to retail sales of sunrooms and awnings and the warehousing related to that use.
2. All exterior lighting shall be screened so that it does not shine on neighboring properties or roadways.
3. This approval shall be subject to DelDOT's review regarding access to New Road.
4. The Applicant shall be entitled to maintain the existing sign or one of the same size.
5. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturdays.
6. The Final Site Plan shall contain the location of all structures, parking areas, and any outdoor displays. There shall not be any outside displays within any setback areas.
7. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 22, 2010.)

Mr. Lank read a summary of the Commission's Public Hearing.

Ronald Simmons was present on behalf of his application and he stated that he has been in business for approximately 9 years, 6 of those years at the current site; that he has outgrown the facility; that he uses a storage building on his neighbor's lot which is where he houses inventory; that he has an agreement with the neighboring property owners to use their driveway in perpetuity; that he proposes to move his office into the existing garage; that he proposes to have an inside display of awnings; that he proposes to construct a pole building to the rear of the garage for warehouse space; and that there will not be much customer traffic as most business is conducted at the customers' homes.

Karen Truitt, an adjacent landowner, was present and spoke in support of the application.

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

Mrs. Deaver suggested that the following condition be added: "In accordance with Section 115-174 of the Sussex County Code, approval of a Conditional Use under this Article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any Conditional Use shall expire upon abandonment or expiration of the use."

M 437 10
Adopt

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to Adopt Ordinance No. 2140 entitled "AN ORDINANCE TO GRANT A

**Ordinance
No. 2140
(C/U
No. 1843)**

CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AWNING AND SUNROOM RETAIL BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES, MORE OR LESS” (Conditional Use No. 1843) filed on behalf of Ronald Simmons, with the following conditions:

**M 437 10
Adopt
Ordinance
No. 2140
(C/U
No. 1843)
(continued)**

- 1. The use shall be limited to retail sales of sunrooms and awnings and the warehousing related to that use.**
- 2. All exterior lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- 3. This approval shall be subject to DelDOT’s review and approval regarding access to New Road.**
- 4. The Applicant shall be entitled to maintain the existing sign or one of the same size.**
- 5. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturdays.**
- 6. The Final Site Plan shall contain the location of all structures, parking areas, and any outdoor displays. There shall not be any outside displays within any setback areas.**
- 7. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**
- 8. In accordance with Section 115-174 of the Sussex County Code, approval of a Conditional Use under this Article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any Conditional Use shall expire upon abandonment or expiration of the use.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**Public
Hearing/
C/U
No. 1844**

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 STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 18.39 ACRES, MORE OR LESS” (Conditional Use No. 1844) filed on behalf of Brad and Caroline Hawkes.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 22, 2010 at which time they recommended that the application be approved with the following conditions:

Public
Hearing/
C/U
No. 1844
(continued)

1. The storage area shall be accessible during daylight hours only.
2. No maintenance of boats or vehicles shall be permitted on the site.
3. As stated by the Applicant, there shall be no employees other than the Applicant's family.
4. One lighted sign, not to exceed 32 square feet in size per side, may be permitted.
5. Anyone visiting the site shall be accompanied by the Applicant or their family.
6. Any lighting shall be screened from shining on neighboring properties or roadways.
7. The Final Site Plan shall show the boundaries of the area covered by this Conditional Use. These boundaries shall run with the eastern and western walls of the existing poultry houses and shall extend in parallel lines in a northeasterly direction to the common boundary of the Applicant's property and the Townsend property.
8. All outside storage areas shall be fenced.
9. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 22, 2010.)

Mr. Lank read a summary of the Commission's Public Hearing.

Brad Hawkes was present on behalf of his application and he stated that they purchased the property in the mid-1980's; that they have farmed the property and raised poultry in the two poultry houses; that they live 1/4 mile from the site and own the adjacent property; that they are not aware of any conflicts with area residents in regards to their proposed storage facility; that they propose to fence in the area for storage and privacy screening; and that the use will be less invasive than the existing poultry operation.

Mr. Hawkes asked that the Council consider several amendments to the conditions proposed by the Planning and Zoning Commission:

- Amend Condition No. 2 to read "No maintenance of boats or vehicles shall be permitted on the site outside of the buildings or fenced area."
- Strike Condition Nos. 3 and 5 since in the future, another employee may be needed, i.e. a property manager.

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

M 438 10
Adopt
Ordinance
No. 2141
(C/U

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adopt Ordinance No. 2141 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

No. 1844) DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 18.39 ACRES, MORE OR LESS” (Conditional Use No. 1844) filed on behalf of Brad and Caroline Hawkes, with the following conditions, as amended:

**M 438 10
Adopt
Ordinance
No. 2141
(C/U
No. 1844)
(continued)**

- 1. The storage area shall be accessible during daylight hours only.**
- 2. Maintenance of stored boats or vehicles shall be permitted on the site.**
- 3. One lighted sign, not to exceed 32 square feet in size per side, may be permitted.**
- 4. Any lighting shall be screened from shining on neighboring properties or roadways.**
- 5. The Final Site Plan shall show the boundaries of the area covered by this Conditional Use. These boundaries shall run with the eastern and western walls of the existing poultry houses and shall extend in parallel lines in a northeasterly direction to the common boundary of the Applicant’s property and the Townsend property.**
- 6. All outside storage areas shall be fenced.**
- 7. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**
- 8. In accordance with Section 115-174 of the Sussex County Code, approval of a Conditional Use under this Article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any Conditional Use shall expire upon abandonment or expiration of the use.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**Public
Hearing/
C/U
No. 1847**

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 AUTOMOTIVE METAL FABRICATION / WELDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.06 ACRES, MORE OR LESS” (Conditional Use No. 1847) filed on behalf of Brian D. Butler.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 22, 2010 at which time they deferred action.

(See the minutes of the meeting of the Planning and Zoning Commission dated July 22, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

(continued)

Brian Butler was present on behalf of his application and he stated that he proposes to do custom metal work and fabrication of old cars (street rods and classic cars); that all work will be done indoors; that there will be no outside storage of vehicles; that vehicles are stored inside a locked building; that no engine work will be performed on the site; that a storage building exists to the rear of the shop and is not shown on the site plan since it was built after the application was filed; and that his neighbor on the adjacent property does not have any complaints regarding the business.

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

**M 439 10
Defer
Action/
C/U
No. 1847**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on Conditional Use No. 1847 filed on behalf of Brian D. Butler.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**Public
Hearing/
C/U
No. 1866**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF AN EXISTING CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.205 ACRES, MORE OR LESS” (Conditional Use No. 1866) filed on behalf of Trustees of Church of Christ.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 22, 2010 at which time they recommended that the application be approved with the following condition:

- 1. The Final Site Plan will be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated July 22, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

The Council found that Yvonne Sturgis was present on behalf of the application. She stated that a need exists for an expansion of the cemetery.

Tyshay Sturgis spoke in support of the application and she stated that more organization is needed; that graves are already scattered; and that there is a community need for additional grave sites.

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

**M 440 10
Adopt
Ordinance
No. 2142
(C/U
No. 1866)
M 440 10
Adopt
Ordinance
No. 2142
(C/U
No. 1866)
(continued)**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to Adopt Ordinance No. 2142 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF AN EXISTING CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.205 ACRES, MORE OR LESS” (Conditional Use No. 1866) filed on behalf of Trustees of Church of Christ, with the following condition:

- 1. The Final Site Plan will be subject to the review and approval of the Planning and Zoning Commission.**
- 2. In accordance with Section 115-174 of the Sussex County Code, approval of a Conditional Use under this Article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any Conditional Use shall expire upon abandonment or expiration of the use.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea**

**M 441 10
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to adjourn at 2:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**