

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 9, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 9, 2023, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 205 23
Approve
Agenda**

Mr. Lawson recommended to remove the recognition of SCEMS Team for the 2023 JEMS Games Gold Medal under Todd Lawson, County Administrator from the Agenda. A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to approve the Agenda, as amended.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes from April 25, and May 2, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore read correspondence received from the Vikings Robotics 2022-2023 Club thanking Council for their support.

**Public
Comments**

Public comments were heard.

Mr. William Kinnick representing Delaware State Manufacturing Housing spoke about a community, Briarhook Manor in Seaford that does not have water.

Mr. Vincent thanked Mr. Kinnick for his comments and his concern. He added that it is a State problem; County staff has been in touch with people that reside in the park numerous times. It is his understanding that the

Public Comments (continued) residents are receiving bottles of water and they are able to use the water for anything other than drinking. There is a concern for the people affected and if there is anything that the County can do, they will assist.

Ms. Patricia Galu spoke about affordable housing and the need for affordable rental housing.

Recognition/ Spelling Bee & JEMS Games Mr. Zion Miller and Mr. Declan Durand, local spelling bee winners were recognized. Zion is an 8th grade student at Seaford Middle School and Declan is a 5th grade student at Love Creek Elementary School. Zion and Declan move on to complete in the 2023 Scripps National Spelling Bee in Washington, D.C. this summer. Zion won the April 24th Seaford District Library spelling bee and Declan was the winner of the April 1st Sussex County Libraries spelling bee.

Proclamation/Community Action Month A Proclamation entitled “PROCLAIMING THE MONTH OF MAY AS COMMUNITY ACTION MONTH IN SUSSEX COUNTY” was presented to Bernice Edwards from First State Community Action Agency.

FirstWatch Addendum/Agreement Robbie Murray, Director of Emergency Services presented an addendum and agreement with FirstWatch for Council’s consideration. Mr. Murray reported that in 2005, Sussex County EOC entered into an agreement with FirstWatch Solutions, Inc. to assist with data collection and “real time” notification of agreed upon events, known as “triggers”. For many years, Director Thomas has allowed Sussex County EMS to utilize some of the FirstWatch capabilities to monitor EMS operational performance indicators. With the growth experienced in each department, the departments are unable to continue to meet their operational needs working solely through the current agreement. It was determined that it would be best for the paramedics to have their own program.

Mr. Murray stated that the majority of the cost is associated with a new program, FirstPass through FirstWatch, which can scrub all peer chart reviews and red flag charts that do not meet our predefined metrics. This would be able to be completed in real time and provide a timelier, more accurate feedback.

In addition, a partnership with ImageTrend, the patient care reporting system that is contracted through the State of Delaware is needed as well as a separate agreement with them to allow them access to that data.

M 206 23 Approve FirstWatch Addendum/Agreement A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved that Sussex County support Director Thomas and Director Murray are authorized to execute both the proposed FirstWatch Addendum and ImageTrend agreement thus supporting FirstWatch expansion into EMS.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Blood Bank Provider Agreement Robbie Murray, Director of Emergency Services presented a healthcare provider agreement with Blood Bank of Delmarva for Council's consideration. Mr. Murray reported that the agreement is to allow the opportunity to bring whole blood to the prehospital environment. Mr. Murray discussed the importance of replacing blood with blood.

In 2020, the process was started with the initial goal to partner with Beebe Hospital. It was later found out that the partnership must be done with the Blood Bank of Delmarva due to the ways that the laws are written.

Kristen Frederick, Director of Laboratories for the Blood Bank of Delmarva stated that there is increasing evidence that support the benefits of prehospital whole blood transfusion to replace the lost volume. In order for this to be successful, the continued support of the community to donate blood is needed.

M 207 23 Approve Blood Bank Provider Agreement A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, be it moved that Sussex County Council approve the Health Care Provider Agreement between the Blood Bank of Delmarva and Sussex County allowing Sussex County EMS to deliver whole blood to patients in the field.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Public Hearing/Forest Landing Annexation into SCUSSD A Public Hearing was held for Forest Landing Annexation into the Sussex County Unified Sanitary Sewer District (Ellendale Area).

John Ashman, Director of Utility Planning and Design reported that County Council granted permission to prepare and post notices for a public hearing on March 28, 2023. The Engineering Department received a request from Davis, Bowen and Friedel, Inc. on behalf of their client, OA Forest Landing, LLC the owners/developers of parcels 230-19.00-112.00 & 230-20.00-12.00 along N. Old State Road. The parcels have been annexed into the Town of Ellendale and Sussex County provides the sanitary sewer service for the town. The parcels are located in the Tier 2 Area for sewer service and will be responsible for System Connection Charges of \$6,600 per EDU based on current rates. To date, there has been no correspondence received in support or opposition.

There were no public comments.

The Public Hearing and public record were closed.

**M 208 23
Adopt
Resolution
No. R 012
23/Forest
Landing
Annexation
into
SCUSSD**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Resolution No. R 012 23 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), ELLENDALE AREA TO INCLUDE TWO PARCELS ON THE EAST SIDE OF NORTH OLD STATE ROAD LOCATED IN THE CEDAR CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Permission
to Prepare
& Post
Notices/
Warrington
Farm**

John Ashman, Director of Utility Planning and Design Review presented a request for permission to prepare and post notices for Warrington Farm Annexation into the SCUSSD (West Rehoboth Area). The Engineering Department has received a request from Davis, Bowen & Friedel, Inc. on behalf of their client J.G. Townsend Jr. & Co. the owners/developers of parcel 334-12.00-123.01 off Old Landing Road. The project is a by-right subdivision. The project will be responsible for System Connection charges of \$6,600 per EDU based on current rates.

**M 209 23
Approve
Permission
to Prepare
& Post
Notices/
Warrington
Farm**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved by Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Warrington Farm Expansion of the Sussex County Unified Sanitary Sewer District to include parcel 334-12.00-123.01 as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Presentation
/Sussex
County
Land Trust**

Mr. Mark Chura, Executive Director of the Sussex County Land Trust provided Council with an update and presentation. Ms. Heidi Gilmore and Mr. Russ McCabe, members of the Sussex County Land Trust board were also present. Mr. Connor Nally assisted with the presentation.

Mr. Chura discussed recent fundraisers that have been completed by the Land Trust. The total funding for the Land Trust is almost at \$4 million over the last few years. This includes individual donations (\$1,647,000), business donations (\$799,500), non-profit (\$401,000) and public section funding (State of Delaware 2021-2022: \$860,000 and Department of the Navy 2022: \$536,000).

Mr. Chura shared pictures of the Master Plan and Phases for Hudson Park.

**Presentation
/Sussex
County
Land Trust
(continued)**

Phase 1 for Hudson Park is planned to start in the Spring of 2023 which includes:

- **DelDOT entrance**
- **Gravel parking lot**
- **Pergola**
- **Sidewalk leading to trail**
- **Trail connection**
- **Stormwater management pond**
- **Landscape berm**
- **Reforestation (4.5 acres)**

Phase 2 for Hudson Park is planned to start in the Summer of 2024 which includes:

- **Second gravel parking lot**
- **Water infrastructure for bath house**
- **Parking bumpers**
- **Site sidewalk**

Phase 3 for Hudson Park is planned to start in 2025 which includes:

- **Paving the entire parking area**
- **Landscaping work**
- **Bath house**
- **Potential playground**

Mr. Chura then discussed and shared pictures of Nanticoke Crossing Park. The property will undergo a revision to the Master Plan over the next year. Once completed, a full development budget will be produced. Summer activities will include implementing safety and security measures as well as tree canopy work and meadow restoration. Reforestation, funded by the SCLT and Department of Agriculture Grants, will occur in 2024.

Mr. Chura shared information about Ickford Park, located off Atlanta Road in Seaford. Currently, the Litchford House which has been moved is undergoing restoration to restore the home back to its early 1900's state. It has undergone exterior and interior demolition and exterior rehabilitation has started on the property. Mechanical and electrical work is underway with an expected completion date of May 2023. For the Cannon-Maston house, architectural completion drawings have been completed for the first phase of construction. The Historical Tax Credit process has also begun, which will reimburse construction costs for the historical renovation.

Mr. Chura reviewed the Master Plan and Site Plan for Hopkins Preserve. The Hopkins Preserve Public Access Construction phases were then discussed. Phase 1 includes an entrance, sidewalk, grading, public road multi-use trail, parking lot, sidewalk, and trails (multi-use and pedestrian)

**Presentation
/Sussex
County
Land Trust
(continued)**

between Rail trail and parking area, plantings and reforestation. The timeline for Phase 1 is Fall 2023 – Fall 2024 with an estimated cost of \$1,132,000. Phase 2 consists of completion of trails (multi-use and pedestrian) within the preserve, plantings and reforestation, installation of signage and trail amenities. The timelines for Phase 2 is Fall 2024 – Spring 2025 with an estimated cost of \$398,000. Phase 3 consists of construction of plantings and reforestation and completion of trail amenities. The timeline for Phase 3 is Summer 2025 with an estimated cost of \$95,000.

Mr. Chura reported on Proposed Acquisitions that included Forest of the Broadkill Preserve and the Wright Property. The Forest of Broadkill Preserve will be comprised of three properties that total 292 acres. The property borders the Ingram Branch, and the property contains mature forest, cultural resources, and habitat for sensitive species. This property lends itself to habitat rehabilitation and creation. The project is adjacent to Shingle Point and Gravel Hill Roads and is located less than 4 miles from downtown Milton. Mr. Chura shared site aerials and photos of the property. The acquisition timeline for the property was discussed. The Coffin properties have an executed Purchase Agreement with a purchase price of \$1,500,000 with \$25,000 in earnest money with a closing tentatively set for late May 2023. The Speakman property (Tax Parcel 235-25.00-9.00) with a purchase price of \$350,000 has a closing date set for November 10, 2023. Mr. Chura reported that the County would be the owner of the property, SCLT will hold a conservation easement on the property and be responsible for development of public access and ongoing maintenance. The vision for the project is to first restore the native ecosystem through reforestation and habitat creation. Additionally, the SCLT proposes to create a trail system throughout the property for public use. A parking lot would be built by the entrance for access to the property.

Mr. Chura shared photos of the Wright Property, an 11-acre assemblage of three wooded parcels along the Nanticoke River. The purchase price for this property is \$460,000. The Nanticoke Conservancy will hold the conservation easement and be responsible for long-term maintenance.

Mr. Chura thanked the County Council for their partnership.

Mr. Rieley commended the SCLT board members for the progress that has been made. Mr. Vincent thanked everyone for their work on open space conservation.

**Adminis-
trator's
Report**

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

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet May 15th at 10:00 a.m. at

Adminis-
trator's
Report
(continued)

the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Hailey's Glen – Pump Station received Substantial Completion April 28th.

[Attachments to the Administrator's Report are not attached to the minutes.]

Old
Business/
Ord. No.
22-07

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01" (properties located on the south side of Lewes Georgetown Highway [Route 9], approximately 0.4-mile east of the intersection of Sand Hill Road [S.C.R. 319] and Lewes Georgetown Highway) (911 Address: 22242 Lewes Georgetown Highway, Georgetown) (Tax Parcels: 135-15.00-98.00 & 98.01)

The County Council held a Public Hearing on the Proposed Ordinance on February 28, 2023. At the conclusion of the meeting, the Council deferred action on the application, holding the record open to receive PLUS comments from the State of Delaware and to receive those comments and announce them and hold the record open for 10 business days following the announcement.

Mr. Whitehouse confirmed that it was taken through the PLUS review process in March. The written PLUS comments were received on April 20th; the State has raised no objection to the change of the Future Land Use Map.

M 210 23
Defer
Action/Ord.
No. 22-07

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01" and leave the record for 10 business days to allow the public to comment on the PLUS comments that were received.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Old
Business/
CU2369

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL

**Old
Business/
CU2369
(continued)**

RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 50.80 ACRES, MORE OR LESS” (properties are located on the south side of Lewes Georgetown Highway [Route 9], approximately 0.4-mile east of the intersection of Sand Hill Road [S.C.R. 319] and Lewes Georgetown Highway) (911 Address: 22242 Lewes Georgetown Highway, Georgetown) (Tax Parcels: 135-15.00-98.00 & 98.01) filed on behalf of Leeward Chase DE, LLC

The County Council held a Public Hearing on the Proposed Ordinance on February 28, 2023. At the conclusion of the meeting, the Council closed the record due to this being associated with Ordinance No. 22-07.

**M 211 23
Defer
Action/
CU2369**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 50.80 ACRES, MORE OR LESS”

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Grant
Requests**

Mrs. Jennings presented a grant request for Council’s consideration.

**M 212 23
Coastal
Concerts,
Inc.**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mrs. Green’s Councilmanic Grant Account) to Coastal Concerts, Inc. for their 2023-24 Season Scholarship.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 213 23
Prime Hook
National
Wildlife
Refuge Inc.**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$2,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account and \$1,000 from Mrs. Green’s Councilmanic Grant) to Friends of Prime Hook National Wildlife Refuge Inc. for their Friends of Prime Hook NWR Educational Programs.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;

**Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 214 23 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give
Town of** **\$3,000 (\$3,000 from Mr. Hudson’s Councilmanic Grant Account) to the
Dagsboro** **Town of Dagsboro for their Mark-A-Hydrant program.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 215 23 **A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give
Milton** **\$2,000 (\$2,000 from Mrs. Green’s Councilmanic Grant Account) to Milton
Garden** **Garden Club for a new irrigation system for the downtown gardens.
Club**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Introduction **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE
of Proposed** **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
Ordinances** **AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT AND RV
STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,
CONTAINING 7.95 ACRES, MORE OR LESS” filed on behalf of James K.
Powell**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL
OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN GEOERGETOWN HUNDRED, SUSSEX COUNTY,
CONTAINING 0.459 ACRE, MORE OR LESS” filed on behalf of Marco
Morales**

The Proposed Ordinances will be advertised for Public Hearings.

**Council
Member
Comments**

There were no Council member comments.

M 216 23
Go Into
Executive
Session

**At 11:07 a.m., a Motion was made by Mr. Hudson, seconded by Mr.
Schaeffer to recess the Regular Session, and go into Executive Session to
discuss maters relating to land acquisition and pending/potential
litigation.**

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Executive Session At 11:15 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition and pending/potential litigation. The Executive Session concluded at 11:32 a.m.

M 217 23 Reconvene At 11:37 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

E/S Action There was no action relating to Executive Session matters.

M 218 23 Recess At 11:37 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 219 23 Reconvene At 1:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to reconvene.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Rules Mr. Moore read the rules and procedures for public hearings.

**Public Hearing/
CU2420** A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL AND A C-1 GENERAL COMMERCIAL DISTRICT FOR AUTO-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS” (property lying on the west side of Daniels Road [S.C.R. 215A],

**Public
Hearing/
CU2420
(continued)**

approximately 480 ft. south of Coastal Highway [Rt. 1]) (911 Address: 9242 Daniels Road, Lincoln) (Tax Map Parcel: 230-15.00-3.00) filed on behalf of Vance Daniels

The Planning & Zoning Commission held a Public Hearing on the application on March 9, 2023. At the meeting of April 20, 2023, the Planning & Zoning Commission recommended approval of the Application for the 4 reasons stated and subject to the 8 recommended conditions as outlined.

(See the minutes of the Planning & Zoning Commission dated March 9, and April 20, 2023.)

Mr. Jamie Whitehouse, Planning and Zoning Director, presented the Proposed Ordinance.

The Council found that Mr. Vance Daniels spoke on behalf of his Application. Mr. Daniels stated that he would like to continue what he has been doing on the property for 38 years; that he has an autobody shop; that there is no salvage yard on the property; that the picture of his property was old; that most of the vehicles shown have been moved; that Mr. Whitehouse stated that the picture was taken on March 5, 2023; that most of the vehicles are gone; that the work takes place inside of a building; that all body work, hammering, painting etc. takes place inside; that he is aware of the conditions set by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 220 23
Adopt
Ordinance
No. 2921/
CU2420**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Ordinance No. 2921 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL AND A C-1 GENERAL COMMERCIAL DISTRICT FOR AUTO-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. This property has two zoning classifications. The front of the property is zoned C-1 General Commercial, and the Applicant has operated an auto body shop on this portion of the property for years. The rear of the property is zoned GR-General Residential. The Applicant assumed the entire parcel was uniformly zoned as C-1.**
- 2. The Applicant has been storing automobiles on the rear GR-zoned portion of the site to some degree for years as part of his auto-body business. Recently, he has been storing more cars in the area for other people with the belief that they will be repaired and sold or moved off the property. There has been a significant increase in cars**

**M 220 23
Adopt
Ordinance
No. 2921/
CU2420
(continued)**

stored on the site recently. The Applicant stated that not all these cars are owned by him or associated with his business.

- 3. This Conditional Use is appropriate with conditions to allow the reasonable use of the entire property for a limited number of cars that are associated with the Applicant’s auto body business. It is not appropriate for this site to become a location for other people to park or store cars, or to become a junkyard.
- 4. Based upon the ongoing use of the property and the limitations proposed by this recommendation, it will not have an adverse impact on neighboring properties or roadways.
- 5. This recommendation is subject to the following conditions:
 - A. There shall be no more than twenty (20) vehicles on the GR zoned portion of the site at any point in time.
 - B. No junked or unregistered vehicles shall be stored on the site.
 - C. The Final Site Plan shall show all areas set aside for the parking of vehicles on the site, and these areas shall be clearly marked on the site itself.
 - D. No vehicle shall remain on the GR-zoned portion of the site for more than ten (10) months.
 - E. The only vehicles stored on the site shall be those that are actively being worked on by the Applicant as part of his business, or those that are schedule to be worked on as part of the Applicant’s business.
 - F. No vehicles that are owned by the parties other than the Applicant shall be left on the site for storage.
 - G. No motor vehicle sales shall occur on the site.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 221 23
Adjourn**

A Motion was made by Mr. Hudson, seconded by Mrs. Green to adjourn at 1:40 p.m.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

{An audio recording of this meeting is available on the County's website.}