

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 6, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 6, 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
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

M 001 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

Officers Council discussed the election of officers and appointments for the year 1998.

Nomina- Mr. Jones nominated Mr. Dukes to serve as President of the tion Sussex County Council for the year 1998.

M 002 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, that Elect Dale R. Dukes be elected to serve as President of the Sussex President County Council for the year 1998.

Motion Adopted: 4 Yea, 1 Absent.

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

Nomina- Mr. Rogers nominated Mr. Jones to serve as Vice President of tion the Sussex County Council for the year 1998.

M 003 98 A Motion was made by Mr. Rogers, seconded by Mr. Collins, that Elect Finley B. Jones, Jr. be elected to serve as Vice President of Vice the Sussex County Council for the year 1998. President

Motion Adopted: 4 Yea, 1 Absent.

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

M 004 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, that Appoint Eugene H. Bayard be appointed County Attorney and attorney for County the Sussex County Council for the year 1998. Attorney

Motion Adopted: 4 Yea, 1 Absent.

M 004 98 Vote by Roll Call: Mr. Cole, Absent; Mr. Rogers, Yea;  
(con't) Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 005 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, that  
Appoint Dennis L. Schrader be appointed Assistant County Attorney and  
Attorney attorney for the Planning and Zoning Commission for the year  
1998.

Motion Adopted: 4 Yea, 1 Absent.

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

M 006 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, that  
Appoint Peter B. Jones be appointed Assistant County Attorney and  
Attorney attorney for the Board of Adjustment for the year 1998.

Motion Adopted: 4 Yea, 1 Absent.

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

Cole Mr. Cole joined the meeting at this time.

Appoint- Mr. Dukes reported, for the record, that the following  
ments committee appointments will remain the same:

Soil Conservation -	Finley Jones
Airport Committee -	Lynn Rogers
Delaware League of Local Governments -	Dale Dukes
Paramedic Advisory Committee -	Finley Jones

Rules of Mr. Stickels, County Administrator, distributed for Council's  
Procedure review the "Rules of Procedure of the Sussex County Council  
of Sussex County, Delaware" adopted on January 23, 1996. At  
the December 30, 1997, meeting Council discussed whether a  
policy exists regarding the ability of a Councilman to vote  
on a change of zone or conditional use application if (1) he  
was not present during the public hearing and (2) has not  
listened to the taped proceedings of the public hearing. It  
was noted that this issue is not addressed in the "Rules of  
Procedure". Concern was expressed that such a policy may  
infringe upon the Councilmen's constitutional rights. Mr.  
Bayard, County Attorney, will research the issue and advise  
Council at the next meeting. No action was taken on the  
"Rules of Procedure".

M 007 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to  
Approve Minutes approve the minutes of the previous meeting, dated December  
Minutes 30, 1997.

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard, County Attorney, read the following correspondence:  
spondence

CLAUDIA MELSON, PRESIDENT, SEAFORD HISTORICAL SOCIETY, GEORGE-  
TOWN, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

ANDREW CUOMO, U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOP-  
MENT, WASHINGTON, D.C.

RE: Update and summary of the activities of the Department  
of Housing and Urban Development during 1997.

MARK E. DERRICKSON, DAGSBORO, DELAWARE.

RE: Letter complimenting three Sussex County employees:  
Mike Brady, Shane Abbott, and Leona Smith.

PATRICIA W. CARLSON, LAUREL SCHOOL DISTRICT, LAUREL, DELAWARE.

RE: Letter informing Council that the Laurel School District  
has been awarded a \$25,000 grant to plan a county-wide magnet  
program in Poultry Management.

DelDOT's Mr. Stickels, County Administrator, reviewed the Delaware  
Capital Department of Transportation's Capital Improvement Program  
Improve- for FY 1998 - 2004 which will be presented for discussion at  
ment public meetings in January. Mr. Stickels reviewed with Council  
Program how Sussex County compares to New Castle County and Kent County  
in regards to the number of projects funded, types of projects  
funded, and the amount of funding allocated, as follows:

New Castle County	\$370,811,000
Kent County	\$ 42,366,000
Sussex County	\$ 87,580,000

New Castle County - 72 Projects - 74 Percent Funding

25 Bridge Projects	Safety Improvements
35 Road Projects	Signal System
River Front Project	Pedestrian/Transit Programs

DelDOT's  
Capital  
Improvement  
Program  
(con't)

Kent County - 17 Projects - 8.5 Percent Funding

8 Bridge Projects                      2 Safety Improvement Programs  
7 Road Projects

Sussex County - 19 Projects - 17.5 Percent Funding

9 Bridge Projects                      Wetland Mitigation Program  
7 Road Projects                      Route 54 - \$16.3 Million  
Well Replacement                      Route 113 - \$44.7 Million

Aviation

Mr. Stickels expressed concern that road money is being used for wetlands and well replacement; he further expressed concern that most of the money in Sussex County is being used to upgrade routes that are used primarily by persons traveling through the State. He noted that several projects recommended by Sussex County Council were not included in the Capital Improvement Program, including (1) upgrading Route 54 to Roxana, (2) safety improvements on Route 1 from Five Points to Dewey Beach, (3) upgrading Route 26 west to Route 13, (4) upgrading roads that are used primarily by local residents including 5, 9, 16, 20, and 24, and (5) appropriations for signs.

Adminis-  
trator's  
Report

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

1. Hurricane Preparedness Training

Joseph L. Thomas, Director of the Sussex County Emergency Operations Center, has been selected by the Delaware Emergency Management Agency to participate in a Hurricane Preparedness Training Course being held at the National Hurricane Center in Miami, Florida, from January 12 through January 16, 1998. The training Mr. Thomas will receive at the Hurricane Center will be very beneficial for future emergency preparedness planning.

2. Extended Hours

A reminder that effective Wednesday, January 7, 1998, County offices will be open until 6:00 p.m. Anyone wishing to apply for a marriage license or wedding ceremony should call in advance for an appointment after 4:30 p.m. on Wednesdays.

3. Airport Committee Meeting

The next Airport Committee meeting will be held on Wednesday, January 7, 1998, at the Sussex County West Complex Building

Adminis-  
trator's  
Report  
(con't)

Conference Room, DuPont Highway, Georgetown, Delaware. The meeting will start at 10:00 a.m. A copy of the agenda is included with this report.

4. Annexation Request - Town of Millsboro

Please be advised that I have received a request from the Town of Millsboro to comment on the annexation of 4.296 acres, plus or minus, which is contiguous to the existing town limits of the Town of Millsboro. The parcel to be annexed is currently divided into two parcels along County Road 339 and owned by separate parties. The first parcel is owned by William J. Davis, Jr., of Millsboro and contains 2.214 acres, as shown on Sussex County Tax Map 1-33-17, Parcel 62. The second parcel is owned by Charles E. Davis of Millsboro, containing 2.082 acres, as shown on Sussex County Tax Map 1-33-17, Parcel 62.1.

The property is currently zoned Agricultural Residential by the County. The applicants have requested that Millsboro annex the property and zone it High Density Residential. The adjoining property located in the town limits is also zoned High Density, as well as the property that is across the road. It appears that this request is consistent with the Town's Land Use Plan.

Mr. Lawrence Lank, Director of Planning and Zoning, has copies of the site plan if any Council members wish to review it before we comment back to the Town of Millsboro.

Bank  
Accounts

Mr. Baker, Finance Director, reviewed eight Proposed Resolutions listing the accounts of Sussex County Council:

M 008 98  
Adopt  
Resolu-  
tions

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the following Resolutions:

Resolution No. R 001 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL"

Resolution No. R 002 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR"

Resolution No. R 003 98 entitled "CASH MANAGEMENT ACCOUNT RESOLUTION"

M 008 98  
(con't)

Resolution No. R 004 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH CORESTATES BANK, N.A. BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL"

Resolution No. R 005 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL"

Resolution No. R 006 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D.B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL"

Resolution No. R 007 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR"

Resolution No. R 008 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE BALTIMORE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL"

Motion Adopted: 5 Yea.

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

Bid  
Results/  
Digital  
Logging  
Recorder  
System

Mr. Thomas, Director of Emergency Operations, discussed bids received for Sussex County Project No. 97-EOC-02, Digital Logging Recorder System, as follows:

**Delaware Office Equipment Co., Inc.**  
**Wilmington, Delaware**

Price of Recorder	\$46,108.00
Trade-in Credit	\$11,057.00
Total	\$35,051.00

Bid  
Results  
(con't)

**Dictaphone Corporation Office  
Mt. Laurel, New Jersey**

Price of Recorder	\$30,587.00
Trade-in Credit	\$ 1,000.00
Total	\$29,587.00

It is the recommendation of the Emergency Operations Center to accept the lowest bid. Rural Development has reviewed and approved the recommendation for the low bidder.

M 009 98  
Accept  
Bid/  
Digital  
Logging  
Recorder  
System

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to accept the bid of Dictaphone Corporation Office in the amount of 29,587.00 for Sussex County Project No. 97-EOC-02, Digital Logging Recorder System.

Motion Adopted: 5 Yea.

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

Green-  
wood  
Library

Mr. McCabe, Project Engineer, discussed Change Order No. 1 for Sussex County Project No. 94-14, Greenwood Library Addition.

M 010 98  
Approve  
Change  
Order/  
Green-  
wood  
Library  
Addition

A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Project No. 94-14, Greenwood Library Addition, be approved for flooring design change and lighting credit, which increases the contract price \$490.86, from \$109,500.00 to \$109,990.86.

Motion Adopted: 5 Yea.

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

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 AN AUCTION (INDOOR/OUTDOOR) WITH ADDITIONAL USES LISTED ON ENCLOSED SHEET TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 35.99 ACRES, MORE OR LESS" (Conditional Use No. 1225) filed on behalf of David L. Wilson. The Proposed Ordinance will be advertised for Public Hearing.

Proposed  
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-2 AGRICULTURAL RESIDENTIAL DISTRICT FOR USED CARS AND PARTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

Proposed Ordinance BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.76 ACRES, MORE OR LESS" (Conditional Use No. 1226) filed on behalf of (con't) Douglas H. Hitchens. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CORN MAZE RECREATIONAL ACTIVITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS, OF A 63.75 ACRE PARCEL" (Conditional Use No. 1227) filed on behalf of Daniel W. Magee, t/a Magee Farms. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.0 ACRES, MORE OR LESS" (Conditional Use No. 1228) filed on behalf of Diana F. Tunis. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32,825.67 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1332) filed on behalf of Elton Ray Beauchamp. The Proposed Ordinance will be advertised for Public Hearing.

Code of Ethics Mr. Cole raised the issue of a County Code of Ethics policy. Mr. Stickels, County Administrator, advised that since the County has not adopted a Code of Ethics policy, Council is governed by State law. A copy of the State law will be obtained and shared with Council.

Meetings Mr. Cole raised the issue of holding night meetings.

M 011 98 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$500.00, \$100.00 from each Councilmanic Account, to the Sussex County Alley Cats and \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Diamonds for operating expenses.

Motion Adopted: 5 Yea.

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

M 012 98 At 11:12 a.m., a Motion was made by Mr. Collins, seconded  
Recess Mr. Jones, 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.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled  
(C/U No. 1217) "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR WAREHOUSING, LIGHT  
MANUFACTURING, WELDING, PRE-FAB PIPE AND ASSEMBLY OF SHEET  
METAL DUCT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING  
AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING  
3.98 ACRES, MORE OR LESS" (Conditional Use No. 1217) filed  
on behalf of Trinity Land Company. There were no public  
comments and the Public Hearing was closed.

M 013 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Adopt Ordinance No. 1202 entitled "AN ORDINANCE TO GRANT A  
CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
DISTRICT FOR WAREHOUSING, LIGHT MANUFACTURING, WELDING, PRE-  
FAB PIPE AND ASSEMBLY OF SHEET METAL DUCT TO BE LOCATED ON  
(C/U No. 1217) A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUN-  
DRED, SUSSEX COUNTY, CONTAINING 3.98 ACRES, MORE OR LESS"  
(Conditional Use No. 1217) filed on behalf of Trinity Land  
Company, with the following conditions:

1. Outside storage shall be limited to the rear portion (dock area) and the north side of the site subject to the approval of the State Fire Marshall.
2. Signage shall be limited to replacement of the same size signboard on existing sign at front of property.
3. No fabrication work or related activities shall be conducted out of doors.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, 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 occur on a site historically used for a variety of commercial uses and will be consistent with the present use of the balance of the property and with the character of the neighborhood as developed.
2. The proposed use will have no adverse impact of any sort upon the neighborhood, environment, property values, or traffic in the area.

Findings  
of Fact  
(con't)

3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendation of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/U No.  
1218)

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 EXPANSION TO CONDITIONAL USE NO. 1117, EXPANSION OF EXISTING MODEL HOME SALES AND DISPLAY LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.05 ACRES, MORE OR LESS" (Conditional Use No. 1218) filed on behalf of Angola Community Partners, L.L.C. There were no public comments and the Public Hearing was closed.

M 014 98  
Adopt  
Ordinance  
No. 1203  
(C/U  
No. 1218)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1203 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO CONDITIONAL USE NO. 1117, EXPANSION OF EXISTING MODEL HOME SALES AND DISPLAY LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.05 ACRES, MORE OR LESS" (Conditional Use No. 1218) filed on behalf of Angola Community Partners, L.L.C., with the following conditions:

1. Final site plan review.
2. All models are to be skirted.
3. Access shall be from the Rehoboth Mall service road.
4. The conditional use will only continue for the term of the existing lease or that lease, if extended.

Motion Adopted: 5 Yea.

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

The property subject to Conditional Use No. 1218 is located on Route 24 at the service road to the Rehoboth Mall. The subject corner is served by an existing traffic light.

The subject property is located within a development area of the Sussex County Comprehensive Land Use Plan of 1997.

The Department of Transportation has found that the property with the subject conditional use would have no negative impact

Findings  
of Fact  
(con't)

on the traffic burdens on Route 24 or cause any significant increase in traffic above that allowed by development under the existing zoning.

The subject property is located immediately across Route 24 from lands zoned C-1, and is located adjacent to other commercial lands and along the Rehoboth Mall service road.

The subject property is uniquely situated for business use in that it is located on a section of Route 24 which has recently been widened, and the corner is served by an existing traffic light.

The Sussex County Council finds that the property could be rezoned B-1 or C-1 under the Sussex County Comprehensive Plan of 1997, but the conditional use as applied for by the applicant allows the County to limit the types of business use.

The use proposed is for expansion of the use authorized by County Council in Conditional Use No. 1117, and is necessary to allow the applicant's business to expand.

The applicant proposes an additional five model homes for display; and such a business use is less traffic generating than would be the spectrum of allowed uses under the C-1 or B-1 rezoning.

The Sussex County Zoning Code, pursuant to Article XXIV §115-171 allows for conditional use approvals of business use while affording the County the ability to impose limitations on the nature of the business that can be operated to better adjust the parcel to the environment than would be a rezoning at B-1 or C-1.

The proposed use possesses an important relationship to the Sussex County Comprehensive Plan of 1997 in that the subject property is in a development zone and the conditional use mechanism allows for limitations on the type of business uses that can be placed.

The proposed use conforms to guidelines of the Sussex County Comprehensive Plan of 1997 based upon the Plan's guidelines which provide:

The purpose of the Development District is to concentrate development in areas where public water and wastewater systems are available or planned and where past trends indicate that growth will occur ... The Development District will produce a mixed-use growth pattern supported by public and private investments to provide a variety of economic development and housing opportunities.

Findings  
of Fact  
(con't)

Commercial uses in the Development District include retail stores, professional offices and recreation. Commercial uses within residential areas, especially those in the Inland Bays and other areas which are influenced by cultural, environmental and/or mobility concerns, should be limited to neighborhood shopping and businesses which serve the current development.

The proposed conditional business expansion will provide a sales display to meet the housing demands for existing approved residential lots within the Development District.

The conditional use better secures a business use compatible with the nearby residential properties, including the Maplewood Subdivision, than would a rezoning without restriction.

Public  
Hearing  
(C/Z No.  
1325)

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.9817 ACRES, MORE OR LESS" (Change of Zone No. 1325) filed on behalf of W. T. Wilson, Inc. There were no public comments and the Public Hearing was closed.

M 015 98  
Adopt  
Ordinance  
No. 1204  
(C/Z No.  
1325)

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1204 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.9817 ACRES, MORE OR LESS" (Change of Zone No. 1325) filed on behalf of W. T. Wilson, Inc.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, 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 historic use of this site has been general commercial and this change of zone will bring the site into zoning conformity, in a development zone and will thereby be consistent with the purposes and goals of the Comprehensive Land Use Plan.
2. The change of zone, despite DelDOT's expressed concerns, speaks to the property's zoning classification, not its use, and merely enables an existing successful business to grow, with minimal impact of any sort.

Findings of Fact 3. The findings of fact and recommendation of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z No. 1326) 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.25 ACRES, MORE OR LESS" (Change of Zone No. 1326) filed on behalf of Willie M. Taylor and Patricia L. Taylor. There were no public comments and the Public Hearing was closed.

M 016 98 Adopt Ordinance No. 1205 (C/Z No. 1326) A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1205 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.25 ACRES, MORE OR LESS" (Change of Zone No. 1326) filed on behalf of Willie M. Taylor and Patricia L. Taylor.

Motion Adopted: 5 Yea.

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

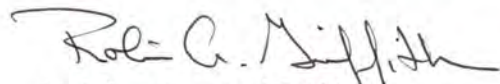
Findings of Fact The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the historic use of this site has been general commercial and this change of zone will bring the site into zoning conformity, in a development zone and will thereby be consistent with the purposes and goals of the Comprehensive Land Use Plan.
2. The findings of fact and recommendation of the Planning and Zoning Commission are incorporated herein.

Manufactured Homes Mr. Stickels, County Administrator, solicited comments regarding the County becoming involved in the inspection of manufactured homes.

M 017 98 Adjourn A Motion was made by Mr. Jones, seconded by Mr. Collins, to adjourn at 2:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council