

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-APRIL 30, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, April 30, 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 199 91  
Approval  
of Minutes

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

Corre-  
spondence

Councilman Stevenson submitted the following correspondence:

WM. COULTER PASSWATERS, PRESIDENT, WOODBRIDGE LITTLE LEAGUE, BRIDGEVILLE, DELAWARE  
RE: Thanking Council for the generous donation toward league expenses for the year.

Advisory  
Committee  
for Handi-  
capped  
and Aging  
Citizens  
of Sussex  
County

Mr. Stickels, County Administrator, reviewed for Council's consideration a listing of nominees to fill the expired terms on the Advisory Committee for Handicapped and Aging Citizens of Sussex County. The Committee consists of 11 members and is responsible for advising Council on issues pertinent to the aging and handicapped citizens of Sussex County, including housing, nutrition, transportation, senior centers, health care, etc. Mr. Stickels praised the efforts of William H. Henderson, past chairman, who is no longer able to serve due to health. The Committee meets bimonthly and members are compensated \$50.00 per meeting.

M 200 91  
Appoint  
Advisory  
Committee  
for Handi-  
capped  
and Aging  
Citizens  
of Sussex  
County

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the following nominees be appointed to serve on the Advisory Committee for Handicapped and Aging Citizens of Sussex County: Fred G. Cephas, Lincoln; Byron E. Cooper, Milford; Paul A. Lynch, Bridgeville; Mary Ann Short, Georgetown; Thomas Shockley, Millsboro; Sandra H. Dole, Frankford; Judie Mann, Rehoboth Beach; Clarence J. Evans, Laurel; David B. Webb, Jr., Seaford; Robert J. Raetz, Laurel; and William E. Clark, Frankford. 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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Sussex  
County  
Advisory  
Retirement  
Board

Mr. Stickels, County Administrator, reviewed for Council's consideration a listing of nominees to fill the expired terms on the Sussex County Advisory Retirement Board. The Board consists of five members and is responsible for reviewing applications for benefits under the retirement system and making recommendations, from time to time, regarding proposed changes in the retirement system as the Board shall deem appropriate. The Advisory Retirement Board meets as needed and members are compensated \$50.00 per meeting.

M 201 91  
Appoint  
Sussex  
County  
Advisory  
Retirement  
Board

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the following nominees be appointed to the Sussex County Advisory Retirement Board: John D. Holt, Seaford; Carilee G. Short, Georgetown; Kenneth S. Clark, Millsboro; E. Marie Joseph, Dagsboro (County Employee); and Angela C. Lank, Georgetown (County Employee). Motion Adopted: 5 Yea.

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

Sussex  
County  
Arbitration  
Commission

Mr. Stickels, County Administrator, reviewed for Council's consideration a listing of nominees to fill the expired terms on the Sussex County Arbitration Commission. The Arbitration Commission consists of three members and is responsible for hearing appeals of the Sussex County Advisory Retirement Board. The Commission meets only as needed and receives no compensation.

M 202 91  
Appoint  
Sussex  
County  
Arbitration  
Commission

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the following nominees be appointed to the Sussex County Arbitration Commission: Dale R. Dukes, Sussex County Council President; Dennis V. Cordrey, Sussex County Personnel Director; and Norman C. Rickard, Sussex County Planning and Zoning Inspector. Motion Adopted: 5 Yea.

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

Public  
Workshops/  
Sussex  
East-West  
Corridor  
Study

Mr. Stickels, County Administrator, notified Council that the Delaware Department of Transportation has scheduled two public workshops to present the citizens of Sussex County with the opportunity to view and comment on the alternatives selected for final study in the Environmental Impact Statement for the Sussex East-West Corridor Study. The first meeting will be held on Tuesday, May 21, 1991, from 4:00 to 8:00 p.m. at Delaware Technical and Community College, Georgetown, Delaware. The second meeting will be held on Wednesday,

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Public  
Workshops  
(Continued)

May 22, 1991, from 4:00 to 8:00 p.m. at the Bridgeville Fire Hall, Bridgeville, Delaware. Anyone who will be impacted by the selection of these roadways is encouraged to attend, as these will be the last public workshops until a formal public hearing is held.

Subdivision  
Approvals

Mr. Stickels, County Administrator, advised Council that the Planning and Zoning Commission has given final approval for the following subdivisions:

1. Subdivision No. 90-1 - Thetavest, Inc., Sugar Maple Farms, Section 2, Cedar Creek Hundred, southwest side of the intersection of Route One and Route 207; 122.5 acres were subdivided into 131 Agricultural Residential lots. Each lot will be serviced with individual septic systems and central water with fire protection will be provided.
2. Subdivision No. 90-32 - Route One Limited Partnership, The Pines, Baltimore Hundred, west side of Route One, 5,900 feet north of Route 360; 19.95 acres were subdivided into 47 lots. The zoning is MR Medium Density Residential. The subdivision will be serviced with central water and sewer service from the North Bethany Extension of the Bethany Beach Sanitary Sewer District.

Sussex  
County  
Family  
Literacy  
Program

Mr. Stickels, County Administrator, was pleased to report to Council that Sussex County's Family Literacy Program has been selected as one of the six outstanding family literacy projects developed during the first year of the Bell Atlantic Family Literacy Project. Christel Shumate, Sussex County's Literacy Coordinator, will be honored at an Awards Ceremony in Philadelphia on June 6, 1991.

Delaware  
Solid  
Waste  
Authority  
Tipping  
Fees

Mr. Stickels, County Administrator, informed Council that the Delaware Solid Waste Authority set tipping fees on Thursday, April 25, 1991, for the FY '92 budget. The rate for FY '92 will be \$43.56 per ton. This is a 14.3 percent increase over FY '91 and a 98 percent increase from the FY '85 rate of \$22.00 per ton. Mr. Stickels expressed disappointment that the Board of Directors of the Delaware Solid Waste Authority did not try to hold their rates and cautioned both the private and public sectors to prepare themselves for the rate to increase to \$103.00 per ton in two years. It is felt that the Delaware Solid Waste Authority will not do anything to hold the line on costs without intervention from the Delaware General Assembly.

County  
Government  
Day

Mr. Stickels, County Administrator, reminded Council that County Government Day for the Girls' and Boys' State delegates

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County  
Government  
Day  
(Continued)

and alternates of Sussex County will be held on Thursday, May 2, 1991, beginning at 9:00 a.m. in Council Chambers. A copy of the agenda for the mock County Council session was distributed for Council's information.

C/U #955

Conditional Use No. 955, filed on behalf of M. J. Webb Farms, Inc., was discussed. The Public Hearing was held on January 8, 1991, and action was deferred.

M 203 91  
Defer  
Action/  
C/U #955  
(Motion  
Died)

A Motion was made by Mr. Cole that action be deferred on Conditional Use No. 955 until such time as the location of the borrow pit is specifically identified within the 64.58 acres which are the subject of this application. Motion Died for lack of a second.

M 204 91  
Adopt  
Ordinance  
No. 761  
(C/U #955)

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adopt Ordinance No. 761 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.58 ACRES, MORE OR LESS" (C/U #955) filed on behalf of M. J. Webb Farms, Inc., subject to the following conditions:

1. Haulers traveling to and from the proposed site shall be restricted to Road 595 from the site entrance to Road 606, then to Road 607, and then to Route 113.
2. No materials shall be stored on any access roads or buffered areas within the site.
3. The borrow pit area shall be limited to ten acres, and reclamation shall be a continuous process as an area is excavated. The slopes and reclamation shall coincide with the excavation.
4. Concrete monuments shall be placed at all borrow pit boundaries.
5. Plans shall be submitted and permits or approvals obtained from the proper agencies prior to beginning any borrow activity.
6. No fuel shall be stored on site.
7. A water truck shall be on site at all times for use in controlling dust during any borrow activity.
8. A 50 foot tree buffer of existing trees shall be maintained around the property, except where clearing is necessary for access roads.

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M 204 91  
(Continued)

9. An entrance permit from the Department of Transportation, Division of Highways, shall be required.
10. Bonding for aquaculture reclamation shall be provided to ensure that it is completed according to County specifications. Bonding shall be 125 percent of reclamation cost.
11. Final approval of the site plan shall include permits and approvals of all necessary agencies prior to action by the Planning and Zoning Commission.
12. Stumps, branches, and any wood material which is not subject to the logging operation shall be mulched, or hauled off site to an approved disposal facility.
13. There shall be no residential or commercial development allowed on site during the borrow activity, which shall continue for no more than ten years.
14. Dredging shall not be permitted on site at any time.
15. There shall be no burial or dumping of solid waste on site.
16. The hours of operation of the pit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The Director of Planning and Zoning shall have the discretion to approve emergency requests which would exceed the hourly limitations.
17. The depth of the pit shall not exceed ten feet.

Motion Adopted: 3 Yea; 1 Nay; 1 Absent.

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

Findings  
of Fact/  
C/U #955

Council found that the Conditional Use is appropriate legislative action based upon the following findings of fact:

1. The location of the property is ideally suited for a borrow pit.
2. Existing dirt roads will not be subjected to extensive use; instead, paved roads, and roads expected to be paved by the State of Delaware in the near future, will be used.
3. An acceptable reclamation project (aquaculture) has been proposed and will be operational within a reasonable

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Findings  
of Fact/  
C/U #955  
(Continued)

period of time. In addition, the developer will be required to post a bond in the amount of 125 percent of the estimated cost of reclamation, thereby ensuring compliance.

4. There is a need for borrow and fill material in connection with the numerous road projects pending in Kent and Sussex Counties, as well as other projects contemplated by the State of Delaware.
5. Existing woodlands will provide an acceptable buffer to area residents.
6. The County Government will remain in a supervisory capacity by virtue of necessary site plan approvals.
7. The actual extent of the borrow operation, being limited to ten acres, will be marginal when compared to the entire tract.
8. The Council incorporates the findings of fact of the Planning and Zoning Commission.

Bid  
Opening/  
Communi-  
cation  
Recording  
System,  
No. 90-322

A Bid Opening was held on "Communication Recording System, No. 90-322" for the Sussex County Emergency Operations Center. The recording system will replace current equipment which is outdated and in need of repair. Cost of the equipment will be shared with the Delaware State Police, as the recording system will be used for logging all telephone and radio communications with the Sussex County Call Board and the Delaware State Police for liability purposes. The following bids were received:

Delaware Office Equipment Co., Inc. Wilmington, Delaware	\$32,470.40
Dictaphone Corporation Stratford, Connecticut	\$39,687.00

The bids will be reviewed and a recommendation presented to Council at a later date.

Beneficial  
Occupancy/  
Shady Park,  
Phase III,  
Section 1  
(FISSD)

Mr. Green, Chief of Utility Construction, County Engineering Department, appeared before Council regarding Beneficial Occupancy of Shady Park, Phase III, Section 1, in the Fenwick Island Sanitary Sewer District. All conditions as set forth in Sussex County Code, Chapter 110, Section 82, for Beneficial Occupancy have been met. Council's approval will allow mobile home owners within the Park to be connected to the sewer system.

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M 205 91  
Grant  
Beneficial  
Occupancy/  
Shady Park,  
Phase III,  
Section 1  
(FISSD)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that based upon the recommendation of the inspection engineer, KCI Technologies, Inc., for Sussex County Project No. 81-04, the Sussex County Council grant "Beneficial Occupancy" for the wastewater facilities constructed in Shady Park, Phase III, Section 1, located in the Fenwick Island Sanitary Sewer District. Motion Adopted: 5 Yea.

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

Recapitula-  
tion and  
Request  
for Change  
Order/  
Long Neck  
Sanitary  
Sewer  
District

Mr. Green, Chief of Utility Construction, County Engineering Department, presented to Council a recapitulation of the Long Neck Sanitary Sewer District as of April 30, 1991, and requested Council's approval for Change Order No. 2, Contract No. 3, to Onshore Construction Co., Inc. for installation of an additional grinder pump station to service County Road 298. Based on the recapitulation (which includes requested Change Order No. 2), the revised contract sum will remain under the original engineer's estimate.

M 206 91  
Authorize  
Change Order  
No. 2 for  
Long Neck  
Sanitary  
Sewer  
District

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council President be authorized to issue Change Order No. 2 for the Long Neck Sanitary Sewer District, Contract No. 3, to Onshore Construction Co., Inc. for the installation of an additional grinder pump station to service County Road 298 for an amount of \$27,091.50, increasing this contract amount to \$2,780,695.50. Motion Adopted: 5 Yea.

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

Report on  
Bid Opening/  
Pumping  
Station  
No. 100  
and Force  
Main for  
Oceanway  
Estates

Mr. Green, Chief of Utility Construction, County Engineering Department, informed Council that a Bid Opening was held at 8:30 a.m. this date for Pumping Station No. 100 and force main to carry waste from Oceanway Estates to the South Coastal Regional Wastewater Facility. The apparent low bidder is Willow Oak Construction Co. in the amount of \$374,374.00. The bids will be reviewed by George, Miles & Buhr, consulting engineer for the project, as well as the County Attorney, and a recommendation presented to Council in approximately two weeks as to award.

Consulting  
Services/  
Dagsboro-  
Frankford  
Sewer  
District

Mr. Archut, Chief of Planning and Permits, County Engineering Department, appeared before Council requesting permission to advertise for consulting services for the Dagsboro-Frankford Sanitary Sewer District. The work to

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Consulting  
Services/  
Dagsboro-  
Frankford  
Sewer  
District  
(Continued)

be performed under the consultant selection is construction contract administration, construction inspection, operations and maintenance training, and other related services for wastewater collection, transmission, treatment, disposal, and other related facilities for the Dagsboro-Frankford Sanitary Sewer District.

M 207 91  
Approve  
Advertising  
Consulting  
Services/  
Dagsboro-  
Frankford  
Sewer  
District

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, that the Sussex County Council approves the Sussex County Engineering Department to advertise for a "Request For Consulting Services" for the Dagsboro-Frankford Sanitary Sewer District. Motion Adopted: 5 Yea.

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

M 208 91  
Councilmanic  
Grant/  
Woodbridge  
School  
District

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to grant \$200.00 (from Mr. Stevenson's Councilmanic Account) to the Woodbridge School District for Roger Ogden, a student at Woodbridge Junior/Senior High School, to participate in the Mid-Atlantic 16 and Under Men's Soccer Team in Europe this summer. Motion Adopted: 5 Yea.

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

Recess

At 11:50 a.m., President Dukes declared a recess until 1:30 p.m.

Reconvene

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

Public  
Hearing/  
C/U #963

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 BORROW PIT TO BE EXCAVATED FOR TWO WILDLIFE MANAGEMENT PONDS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.68 ACRES OF A 31.96 ACRE TRACT, MORE OR LESS" (C/U #963) filed on behalf of Bonard Timmons, Jr. The Public Hearing was closed.

M 209 91  
Adopt  
Ordinance  
No. 762  
(C/U #963)

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to adopt Ordinance No. 762 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE EXCAVATED FOR TWO WILDLIFE

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M 209 91  
(Continued)

MANAGEMENT PONDS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.68 ACRES OF A 31.96 ACRE TRACT, MORE OR LESS" (C/U #963) filed on behalf of Bonard Timmons, Jr., subject to the following conditions:

1. There shall be no further excavation from existing ponds.
2. The first pond proposed must be dug and reclaimed before the second pond may be begun.
3. Consumption of dirt is limited to the applicant and to Kenneth Walsh, t/a Multi-Coastal Services.
4. Water depth of the excavated ponds shall not exceed ten feet.
5. Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m., six days per week.
6. No pond will be located less than 250 feet from any existing dwelling.
7. No fuel shall be stored on site. A water truck shall be used to control dust.
8. This Conditional Use approval shall expire ten years from the date of site plan approval by the Planning and Zoning Commission.
9. The applicant shall post a bond satisfactory to the Planning and Zoning Commission in an amount not less than 125 percent of the cost of reclamation prior to beginning excavation.

Motion Adopted: 4 Yea; 1 Abstained.

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

Findings  
of Fact/  
C/U #963

Council found that the Conditional Use is appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that his existing borrow pit has been fully dug out and fully reclaimed.
2. The applicant established by substantial evidence that there is a continuing need for sand and dirt for his own use and use by a single large customer.

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Findings  
of Fact/  
C/U #963  
(Continued)

3. The evidence established that the application, if approved, would have no adverse impact on traffic or on property values in the neighborhood.
4. The evidence established that the general purposes of the Comprehensive Zoning Ordinance are served by this application.
5. The findings of fact and the recommendations of the Planning and Zoning Commission are incorporated herein.
6. Approval of this Conditional Use is subject to the terms and conditions as set out in Motion No. M 209 91.

Public  
Hearing/  
C/U #964

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 AN AIRSTRIP, STORAGE BUILDINGS, HANGAR, AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 39.93 ACRES, MORE OR LESS" (C/U #964) filed on behalf of Ockels Acres, a Delaware Partnership, and Allen Chorman, Inc. The Public Hearing was closed.

M 210 91  
Adopt  
Ordinance  
No. 763  
(C/U #964)

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to adopt Ordinance No. 763 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AIRSTRIP, STORAGE BUILDINGS, HANGAR, AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 39.93 ACRES, MORE OR LESS" (C/U #964) filed on behalf of Ockels Acres, a Delaware Partnership, and Allen Chorman, Inc., subject to the following conditions:

1. The use shall be only as a VFR private daylight airport for aerial spraying, private storage, and maintenance.
2. The applicant shall obtain such approvals from the FAA as are required prior to beginning the use, including coordination agreements or approvals from the Sussex County Airport.
3. There shall be no hangaring of private planes, except in connection with the spray operation or the maintenance operation on site.
4. There shall be no more than ten aircraft on site at any time.
5. Fuel may only be consumed by the applicant as part of the spray or maintenance operation, not to be sold to the public.

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M 210 91  
(Continued)

6. An emergency plan for dealing with chemical sprays stored on site shall be filed with the Emergency Operations Center and approval for chemical storage shall be filed with the Planning and Zoning Commission at the time of land site approval.
7. No commercial air advertising activities may operate or land and refuel at the site.
8. No activity can begin on site without final site plan approval from the Planning and Zoning Commission.

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 #964

Council found that the Conditional Use is appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed use is clearly a necessary part of agricultural life in Sussex County and the use is consistent with the Comprehensive Zoning Ordinance.
2. The applicant established by substantial evidence that the use, if approved, would have no adverse impact on traffic or on property values in the neighborhood.
3. The applicant established that the Federal Aviation Administration has no objection to the proposed use.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
5. Approval of this Conditional Use is subject to the terms and conditions as set out in Motion No. M 210 91.

Public  
Hearing/  
C/U #965

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 AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 26.5 ACRES, MORE OR LESS" (C/U #965) filed on behalf of Joseph H. Smith. The Public Hearing was closed.

M 211 91  
Adopt  
Ordinance  
No. 764  
(C/U #965)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adopt Ordinance No. 764 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL

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M 211 91  
(Continued)

DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 26.5 ACRES, MORE OR LESS" (C/U #965) filed on behalf of Joseph H. Smith, subject to the following conditions:

1. The applicant must obtain final site plan approval from the Planning and Zoning Commission before beginning any use.
2. The applicant may construct one 40 foot by 80 foot maintenance building on site.
3. There shall be no mobile home, recreational vehicle, travel trailer, or boat storage on site.

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 #965

Council found that the Conditional Use is appropriate legislative action based upon the following findings of fact:

1. The applicant established that he has outgrown his present office space and he requires additional storage space for his own equipment.
2. The applicant established that the use would have no adverse impact on traffic or neighborhood property values.
3. The use proposed conforms with the general purposes of the Comprehensive Zoning Ordinance.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

C/Z #1121  
Withdrawn

Change of Zone No. 1121, filed on behalf of Grover Robert Langshaw, was withdrawn by the applicant prior to the scheduled Public Hearing.

C/Z #1122

The Public Hearing for Change of Zone No. 1122, filed on behalf Andy Ecrole, Jr. and Rose Romano, was not held due to failure of the applicants, or agent on behalf of the applicants, to appear.

M 212 91  
Adopt  
Proposed  
Ordinance/  
C/Z #1122  
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Collins, 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

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M 212 91  
(Continued)

DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.46 ACRES, MORE OR LESS" (C/Z #1122) filed on behalf of Andy Ecrole, Jr. and Rose Romano. Motion Denied: 5 Nay.

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

M 213 91  
Adjournment

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to adjourn at 3:32 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

*Susan W. Webb*

Susan W. Webb  
Acting Clerk of the County Council