

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 8, 1999

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, June 8, 1999, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member

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

M 274 99
Approve
Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 275 99
Approve
Minutes

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the minutes of the previous meeting, dated May 25, 1999.

Motion Adopted: 5 Yea.

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

Corre-
spondence

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

U. S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit to the Delaware River and Bay Authority.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER, DELAWARE.

Corre-
spondence
(continued)

RE: Legal Notice regarding Secretary's Order No. 99-A-0027 amending Delaware's 1999 Rate of Progress Plan for Kent and New Castle Counties.

RE: Legal Notice regarding Secretary's Order No. 99-A-0026 amending Regulation No. 31 – Low Enhanced Inspection and Maintenance Program and Plan.

RE: Notice of Public Workshops to be held on planned amendments to Regulation 38, titled "Emission Standards for Hazardous Air Pollutants for Source Categories".

SUSSEX COUNTY CHAPTER, NATIONAL FEDERATION OF THE BLIND, GEORGETOWN, DELAWARE.

RE: Letter requesting funding for delegates to attend the annual convention in Atlanta, Georgia.

THOMAS N. MERCER, DIRECTOR OF ATHLETICS, TROY TROJANS.

RE: Letter in appreciation of Council supporting the 1998 Slam Dunk To The Beach Tournament.

DIANE O. BLACK, CHAIRPERSON, WESTERN SUSSEX RELAY FOR LIFE, SALISBURY, MARYLAND.

RE: Letter in appreciation of Council supporting the Western Sussex Relay for Life.

CHARLES H. HOPKINS, DEPUTY BUDGET DIRECTOR, OFFICE OF THE BUDGET, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Funding for Homeowner Housing Rehabilitation.

DONALD J. McCANN, FAIR BOARD MEMBER, SUSSEX COUNTY FAIR, INC., GEORGETOWN, DELAWARE.

RE: Letter requesting funding for the 1999 County Fair.

REV. DAVID B. HUMPHREY, PASTOR, ST. JOHN'S CHURCH, SEAFORD, DELAWARE.

RE: Letter expressing thanks to the Sussex County Council for the Prayer Proclamation.

WILLIAM V. ROTH, JR., UNITED STATES SENATOR, WASHINGTON, D.C.

RE: Letter in appreciation of Prayer Proclamation.

DONALD R. ORENDORF, GUMBORO COMMUNITY ASSOCIATION, INC., MILLSBORO, DELAWARE.

RE: Letter of invitation to the Open House of the Gumboro Community Center to be held on June 19, 1999 between the hours of 10:00 a.m. and 2:00 p.m.

Assessment
Recognition

Mr. Fran Lally, President of the Delaware Association of Assessing Officers and Secretary of the Northeastern Regional Association of Assessing Officers, was in attendance to present awards to Sussex County employees in the Assessment Department.

The *Sherry Vermilya Memorial Award* was presented to Christopher S. Keeler for outstanding service to the assessment profession. It is basically an "Assessor of the Year" award granted to assessors who have shown their dedication to the profession and the education of its members. Its recipients must have five years of service and demonstrate their efforts in support of the profession.

The *Catherine E. Pardee Memorial Award* was presented to Eddy J. Parker in recognition of outstanding and dedicated service to the assessment profession in the Northeastern Regional Association of Assessing Officers (NRAAO). It is basically a "lifetime achievement award" in service to professionalism in the assessment profession. This is the most prestigious award of the NRAAO. Its recipient is designated and voted on by the past presidents of the NRAAO.

Payment
in Lieu
of Taxes/
Prime Hook
National
Wildlife
Refuge

Mr. Stickels, County Administrator, reported that a check in the amount of \$45,625.00 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. The check represents payment under the Refuge Revenue Sharing Act covering Fiscal Year 1998. The funds may be used by Sussex County for any governmental purpose. Mr. Stickels presented, for Council's authorization, the distribution of the Refuge Revenue Sharing Funds, as follows: Sussex County Council - \$7,377.17; Library - \$795.20; Vocational School District - \$4,192.70; Cape Henlopen School District - \$24,272.52; and Milford School District - \$8,987.41.

M 276 99
Authorize
Distribution
of Refuge
Revenue
Sharing
Funds

A Motion was made by Mr. Dukes, seconded by Mr. Cole, that the Sussex County Council authorizes the distribution of the Refuge Revenue Sharing Funds, as follows: Sussex County Council - \$7,377.17; Library - \$795.20; Vocational School District - \$4,192.70; Cape Henlopen School District - \$24,272.52; and Milford School District - \$8,987.41.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Water Utility Public Notice

I have received notification from the Department of Natural Resources and Environmental Control (DNREC) that Artesian Water Company has applied

Adminis-
trator's
Report
(continued)

for a Certificate of Public Convenience and Necessity to provide public water service to the properties located within the Town of Fenwick Island. The application may be inspected by appointment at the offices of DNREC, Suite 200, 5 East Reed Street, Dover, Delaware. Additional information may be obtained by contacting A. J. Farling at (302) 739-5081.

I would recommend that Council support this application. The County Council did hold a referendum, which was denied by the residents.

2. Earl H. Lawless

It is with sadness that I inform Council of the passing of Earl H. Lawless on May 24, 1999. Mr. Lawless was a Maintenance Worker for the County who retired on disability April 3, 1992.

3. FY 2000 Budget Public Hearing

A reminder that the County Council will be holding a public hearing at 10:30 a.m. on Tuesday, June 15, 1999, in the Council Chambers. We will be taking written comments up until that time. Anyone wishing to review the proposed budget may do so on the Internet. The budget address is <http://www.sussexcounty.net/budget>.

IRB
Committee
Recommendation/
Milford
ALF, LLC

Mr. Baker, Finance Director, reported that the Industrial Revenue Bond Committee held a Public Hearing on this date to consider an application of Milford ALF, LLC, for the financing of the Heritage at Milford Project consisting of the acquisition of (a) a 13 acre site that fronts US Highway 113 in Milford and the financing and refinancing of construction of a 71-unit (80-bed) assisted living residence, including a 16-unit (19-bed) wing dedicated to dementia residents; (b) funding a Debt Service Reserve Fund; (c) funding working capital for the Facility; and (d) paying certain costs and fees of issuing the Bonds. The financing would be accomplished through the issuance by the County of Revenue Bonds in a principal amount not to exceed \$11,500,000. Mr. Baker emphasized that the Bonds are to be payable solely from the revenues of the Project and that repayment is strictly the obligation of the Company. There is no liability to the County.

M 277 99
Adopt
Resolution
No.
R 016 99
Heritage
At Milford
Project/
IRB

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Resolution No. R 016 99 entitled "A PROJECT RESOLUTION AUTHORIZING UP TO \$11,500,000 ASSISTED LIVING FACILITY REVENUE BONDS (HERITAGE AT MILFORD PROJECT).

Motion Adopted: 5 Yea.

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

The Pines
of Long
Neck

Mr. Green, Director of Utility Construction, discussed granting Conditional Acceptance for the wastewater facilities constructed in The Pines of Long Neck, Phases II, III and IV, located 700 feet north of the intersection of Route 24 and Route 5, on the east side of Route 24, located in the Long Neck Sanitary Sewer District.

M 278 99
Grant
Conditional
Acceptance/
The Pines
of Long
Neck

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based on the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in The Pines of Long Neck, Phases II, III, and IV, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Old
Business/
C/U
No. 1275

Conditional Use No. 1275 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REVISION AND EXPANSION OF CONDITIONAL USE NO. 1096 TO INCREASE BOAT STORAGE CAPACITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.01 ACRES, MORE OR LESS", filed on behalf of Angola Community Partners, L.L.C. was discussed. A Public Hearing was held on this application on April 13, 1999, at which time action was deferred to await a recommendation from the Planning and Zoning Commission. On April 22, 1999, the Planning and Zoning Commission met and noted that the Commission had recommended denial of Conditional Use No. 1096 and for this reason, recommended that Conditional Use No. 1275 be denied. Council discussed the fact that the original application was approved by the County Council with the condition that a buffer of trees be planted between the boats and the fence. The buffer was planted; however, the buffer has not grown at the anticipated rate. The applicant has agreed to replant the buffer with faster growing trees.

M 279 99
Adopt
Ordinance
No. 1311
(C/U
No. 1275)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1311 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REVISION AND EXPANSION OF CONDITIONAL USE NO. 1096 TO INCREASE BOAT STORAGE CAPACITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.01 ACRES, MORE OR LESS" (Conditional Use No. 1275) filed on behalf of Angola Community Partners, L.L.C., with the following conditions:

1. Conditions applicable to Conditional Use No. 1096 apply to this Conditional Use except Condition No. 3, which is hereby stricken.

M 279 99
(continued)

2. The expansion is limited to 76 storage sites, surrounded by a chain link fence.
3. The site plan shall be subject to final review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

Findings
of Fact

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

1. The Sussex County Council has considered the recommendation of denial by the Planning and Zoning Commission issued on April 22, 1999, but finds that the recommendation is not supported by any findings by the Planning and Zoning Commission.
2. The Sussex County Council finds that Angola Community Properties, L.L.C. had established a boat storage operation within the Angola Beach and Angola Estates communities under Ordinance No. 1008, adopted March 25, 1994, which allowed for 117 dry boat storage spaces.
3. The Sussex County Council finds that prior to March of 1994, Angola Community Partners, L.L.C. imposed a rule which prohibited the storage of boats on individual lots in the Angola Beach Mobile Home Community due to concerns with safety and aesthetics, which rule was reviewed and endorsed by the Tenants Association of the Angola Beach and Angola Estates mobile home communities before adoption.
4. The Sussex County Council finds that the original approval of 1.99 acres comprising 117 storage spaces did not provide an adequate number of storage spaces within the Angola Beach and Angola Estates mobile home communities to serve the need for boat storage in those communities.
5. The Sussex County Council finds that the applicant has a waiting list for dry storage dockage space, and that there is an excess of demand for dry storage spaces than the number of dry storage spaces currently available.
6. The Sussex County Council finds that the storage of recreational boats within the communities satisfies a need of residents of the communities to house their boats and lessens the need for movement outside the community to public storage areas, thus lessening congestion on the public thoroughfares.

Findings
of Fact
(continued)

7. The Sussex County Council finds that the expansion at the current location to 193 spaces (an increase of 76 spaces) is more desirable with respect to movement of boats and trailers within the communities than requiring a location of a storage area more remote from the navigable waters adjacent to the Angola Estates community. The applicant has proposed additional security and the imposition of charges to alleviate a problem with the abandonment of boats in the current storage area.
8. The Sussex County Council finds that the proposed conditional use is an appropriate use and serves a community need, and that the location lessens congestion in the streets.
9. The Sussex County Council finds that the conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.
10. For the foregoing reasons, the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

Proposed
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILE DIESEL REPAIR SERVICE OF CARS, TRUCKS, AND GENERATORS AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.68 ACRES, MORE OR LESS (Conditional Use No. 1296) filed on behalf of Charles E. and Carol F. James. 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 A C-1 GENERAL COMMERCIAL DISTRICT FOR OUTDOOR RETAIL SALES (FLEA MARKET) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRES, MORE OR LESS" (Conditional Use No. 1297) filed on behalf of J. David Lynam. 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 NURSERY, LANDSCAPING AND GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No. 1298) filed on behalf of Lawrence and Susan Kelly. 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-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 5.07 ACRES, MORE OR LESS" (Conditional Use No. 1299) filed on behalf of Vaughn P. Esham. The Proposed Ordinance will be advertised for Public Hearing.

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 GROUP MUSIC LESSONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.00 ACRES, MORE OR LESS" (Conditional Use No. 1300) filed on behalf of Deborah D. Kee. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 36,035 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1385) filed on behalf of Dave Blackwell. The Proposed Ordinance will be advertised for Public Hearing.

M 280 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$200.00 from Mr. Cole's Councilmanic Account to the Delaware Seashore Preservation Foundation for landscaping assistance.

Motion Adopted: 5 Yea.

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

M 281 99
Grant

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$1,800 from Grants to the Sussex County Fair, Inc. for electrical expenses.

Motion Adopted: 5 Yea.

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

M 282 99
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$1,000 from Grants to the Sussex County Chapter, National Federation of the Blind of Delaware, for attendance at the annual convention in Atlanta, Georgia.

M 282 99
(continued)

Motion Adopted: 5 Yea.

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

Fly-In at
Airport

Mr. Stickels, County Administrator, reported that Sussex Aero Maintenance is sponsoring a "Fly-In" at the Sussex County Airport on Saturday, June 12, 1999 from 10:00 a.m. to 4:00 p.m.

Legislation

Mr. Stickels, County Administrator, reported on the nutrient management legislation (House Bill No. 250) that was introduced last week.

M 283 99
Recess

At 11:07 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Jones called Council back into session at 1:34 p.m.

Public
Hearing
(C/Z
No. 1377)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY AND TO DELETE STIPULATION NO. 1 OF CHANGE OF ZONE NO. 315 WHICH READS "ALL STREETS IN DEVELOPMENT BE DEDICATED TO PUBLIC USE" TO PERMIT PRIVATE STREETS AND MAINTENANCE FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.047 ACRES, MORE OR LESS" (Change of Zone No. 1377) filed on behalf of Sea Del Estates Homeowners Association, Inc. It was noted that although the streets in the development are currently dedicated to public use, the beach is privately owned and no access to the beach or parking area exists. The applicant reported that the primary reason for the request is that the streets are in poor condition and in need of repair and to date, no help has been received from DelDOT. There were no public comments and the Public Hearing was closed.

M 284 99
Adopt
Ordinance
No. 1312
(C/Z
No. 1377)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1312 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY AND TO DELETE STIPULATION NO. 1 OF CHANGE OF ZONE NO. 315 WHICH READS "ALL STREETS IN DEVELOPMENT BE DEDICATED TO PUBLIC USE" TO PERMIT PRIVATE STREETS AND MAINTENANCE FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,

M 284 99
(continued)

SUSSEX COUNTY, CONTAINING 2.047 ACRES, MORE OR LESS” (Change of Zone No. 1377) filed on behalf of Sea Del Estates Homeowners Association, Inc., with the following stipulation:

Stipulation No. 1 attached to Change of Zone No. 315 is hereby stricken and a new Stipulation No. 1 is inserted in lieu thereof, as follows:

1. “The record plat of Sea Del Estates shall be amended to conform to the requirements of the County Engineering Department regarding dedication of easement areas and perpetual maintenance of the roadways within Sea Del Estates.”

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, 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 no practical public purpose is served by the continued existence of Stipulation No. 1 attached to Change of Zone No. 315, since the residential community is private and the beach strand is privately owned, thereby providing no parking area or right to cross the dune to the beach.
2. The applicant will undertake maintenance of the roadways at no cost or expense to the residents of the County.
3. The change of zone meets the purposes and goals of the Comprehensive Plan.

Public
Hearing
(C/U
No. 1282)

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 CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 22.16 ACRES, MORE OR LESS” (Conditional Use No. 1282) filed on behalf of Woodlawn Memorial Park. There were no public comments and the Public Hearing was closed.

M 285 99
Adopt
Ordinance
No. 1313
(C/U
No. 1282)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1313 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 22.16 ACRES, MORE OR

M 285 99
(continued)

LESS” (Conditional Use No. 1282) filed on behalf of Woodlawn Memorial Park, with the following condition:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all agency approvals and permits.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, 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 serve a public need, without adverse impact of any sort.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.

Public
Hearing
(C/U
No. 1283)

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 AN ART AND CRAFT STUDIO AND GALLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.599 ACRES, MORE OR LESS” (Conditional Use No. 1283) filed on behalf of Deborah S. Appleby. No one spoke in opposition to this application. The Public Hearing was closed.

M 286 99
Adopt
Ordinance
No. 1314
(C/U
No. 1283)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1314 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ART AND CRAFT STUDIO AND GALLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.599 ACRES, MORE OR LESS” (Conditional Use No. 1283) filed on behalf of Deborah S. Appleby, with the following conditions:

1. Business hours shall be from 6:00 a.m. until 9:00 p.m.
2. One (1) illuminated sign, not exceeding 4’ x 4’ may be permitted.
3. The site plan shall be subject to review and approval by the Commission upon receipt of all required agency approvals and permits.

Motion Adopted: 5 Yea.

M 286 99
(continued)

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, 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 serve the convenience of area residents and visitors by providing access to original local arts and crafts and to education without adverse impact of any sort.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Development Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1284)

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 LANDSCAPING AND IRRIGATION BUSINESS WITH VEHICLE AND EQUIPMENT STORAGE, OFFICE AND WAREHOUSING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.92 ACRES, MORE OR LESS" (Conditional Use No. 1284) filed on behalf of Donald Clifton. William Turner of Shoreline Construction and David Rutt, Attorney, were present on behalf of this application and stated that when the application was filed, Donald Clifton was the property owner. Shoreline Properties now owns the property. There were no public comments and the Public Hearing was closed.

M 287 99
Adopt
Ordinance
No. 1315
(C/U
No. 1284)

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 1315 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LANDSCAPING AND IRRIGATION BUSINESS WITH VEHICLE AND EQUIPMENT STORAGE, OFFICE AND WAREHOUSING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.92 ACRES, MORE OR LESS" (Conditional Use No. 1284) filed on behalf of Donald Clifton, with the following conditions:

1. All outside storage shall be located to the rear of the existing buildings.
2. Six (6) foot high fencing, as described by the applicants, shall be installed.
3. No transformers shall be stored on site.

M 287 99
(continued)

4. All indoor leased warehousing shall be for packaged dry materials, and shall exclude chemicals and other hazardous materials.
5. No boat storage shall be maintained on site.
6. The site plan shall be subject to review and approval by the Commission upon receipt of all required approvals and permits.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, 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 its proposed uses serve a multitude of public and semi-public customers and centrally locates a depot for such purposes while using an abandoned commercial cannery and redeveloping a former commercial site instead of developing a new commercial property.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1285)

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 AMBULANCE/RESCUE STATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.21 ACRES, MORE OR LESS" (Conditional Use No. 1285) filed on behalf of Mid-Sussex Rescue Squad, Inc. There were no public comments and the Public Hearing was closed.

M 288 99
Adopt
Ordinance
No. 1316

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1316 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AMBULANCE/RESCUE STATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.21 ACRES, MORE OR LESS" (Conditional Use No. 1285) filed on behalf of Mid-Sussex Rescue Squad, Inc., with the following condition:

M 288 99
(continued)

1. The site plan shall be subject to review and approval by the Planning & Zoning Commission upon receipt of all required agency approvals and permits.

Motion Adopted: 5 Yea.

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

Findings
of Fact

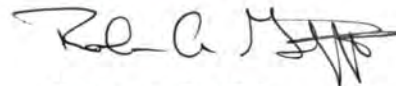
The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that it serves a community and area need on a volunteer basis; it has outgrown its present quarters; and it needs additional space to bring its operation into conformity with modern day emergency vehicle and personnel practices.
2. Neighbors' concerns about possible environmental impacts will be fully addressed in the State and Federal permitting process and will be resolved at those levels.
3. The proposed use meets the purposes and goals of the Comprehensive Land Use Plan.

M 289 99
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 2:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council