

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JUNE 30, 1998

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, June 30, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following members present:

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

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

M 285 98
Approve
Agenda

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to adopt the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 286 98
Approve
Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of the previous meeting dated June 23, 1998.

Motion Adopted: 5 Yea.

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

Corre-
spondence

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

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AIR QUALITY MANAGEMENT SECTION, DOVER, DELAWARE

RE: Legal Notice that the Secretary of DNREC has signed an Order which pertains to Motor Vehicle Emissions.

Corre-
spondence
(Con't.)

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AIR QUALITY MANAGEMENT SECTION, DOVER, DELAWARE

RE: Legal Notice that the Secretary of DNREC has signed an Order revising the State Implementation Plan for Phase II of the Ozone Attainment Demonstration for Kent and New Castle Counties.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AIR QUALITY MANAGEMENT SECTION, DOVER, DELAWARE

RE: Notice of Public Hearing on July 30, 1998, beginning at 6:30 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, Delaware, regarding a new Section to be added to Regulation No. 20 of the State of Delaware "Regulations Governing the Control of Air Pollution", Regulation No. 20, Section No. 29 - STANDARDS OF PERFORMANCE FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS; and on the Department's plan to regulate existing hospital, medical, and/or infectious waste incinerators titled "PROPOSED PLAN FOR THE REGULATION OF AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS."

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AIR QUALITY MANAGEMENT SECTION, DOVER, DELAWARE

RE: Notice of Public Hearing on July 30, 1998, beginning at 7:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, Delaware, regarding the "Regulations Governing the Control of Air Pollution."

FRIENDS OF THE CAPITOL THEATER, P.O. BOX 1449, DOVER, DELAWARE

RE: Capitol Theater's Encore, a newsletter of the theatre group.

STEVEN AND JACQUELINE QUIGLEY, 16 DEVON ROAD, MILL POND ACRES, LEWES, DELAWARE

RE: Councilman Cole received a copy of Mr. And Mrs. Quigley's letter to Representative Schroeder, in which they relay their concerns regarding sewer fees.

RALPH BAYKO, 3 MELLOY COURT, LEWES, DELAWARE

RE: Letter to Councilman Cole expressing concerns regarding sewer fees.

M 287 98
Adopt
Procla-
mation

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, JUNE 30, 1998, AS A DAY OF REMEMBRANCE OF WINFIELD 'SCOTT' WALLS, SR.".

Motion Adopted: 5 Yea.

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

Appoint-
ments

Council discussed several appointments that will expire on various County Boards and Commissions.

M 288 98
Board of
Adjustment
Appoint-
ment

A Motion was made by Mr. Collins, seconded by Mr. Jones, to appoint Jeff Hudson to the Board of Adjustment for a term of 3 years.

Motion Adopted: 5 Yea.

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

M 289 98
Library
Advisory
Board
Appoint-
ment

A Motion was made by Mr. Collins, seconded by Mr. Rogers, to reappoint Mr. Anthony Triglia to the Library Advisory Board for a term of 3 years.

Motion Adopted: 5 Yea.

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

M 290 98
Board of
Adjustment
Appoint-
ment

A Motion was made by Mr. Rogers, seconded by Mr. Collins, to reappoint Mr. Dale Callaway to the Board of Adjustment for a term of 3 years.

Motion Adopted: 4 Yea, 1 Not Voting.

Vote by Roll Call: Mr. Cole, Not Voting; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 291 98
Planning
& Zoning
Appoint-
ment

A Motion was made by Mr. Collins, seconded by Mr. Jones, to reappoint Mr. Robert Wheatley to the Planning and Zoning Commission for a term of 3 years.

Motion Adopted: 4 Yea, 1 Not Voting.

Vote by Roll Call: Mr. Cole, Not Voting; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 292 98
Board of
Adjustment
Appoint-
ment

A Motion was made by Mr. Collins, seconded by Mr. Jones, to reappoint Mr. John Mills to the Board of Adjustment for a term of 3 years.

Motion Adopted: 4 Yea, 1 Not Voting.

Vote by Roll Call: Mr. Cole, Not Voting; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Peter
Jones
Appointed
Family
Court
Judge/
County
Attorney
Vacancy

Mr. Stickels reported that there will be another vacancy at the end of July as a result of Peter Jones, Esquire, being unanimously confirmed on Monday, June 29, 1998, by the State Senate for the position of Family Court Judge for a term of 12 years. Mr. Jones currently serves the County as Assistant County Attorney. Mr. Jones' partner, Richard Berl, has stated that he will fulfill Mr. Jones' responsibilities with the County until Council makes a permanent appointment. Mr. Stickels mentioned that 2 attorneys have expressed interest in this position. It was decided that any attorney who would have an interest in filling this vacancy should notify the County by the first of August.

Adminis-
trator's
Report

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

1. Gumboro School

A ceremony will take place on Thursday, July 9, 1998, at 10:30 a.m. at the former Gumboro School on Route 26, Gumboro. Governor Thomas R. Carper will turn ownership over from the Indian River School District to the Gumboro Fire Company, who will lease the

Adminis-
trator's
Report
(Con't.)

facility to the Gumboro Community Association. The Gumboro Community Association plans on renovating the facility to be used for a community service center. The public is invited to attend this ceremony.

2. Holiday Schedule

County offices will be closed on Friday, July 3, 1998, to allow employees to observe the Independence Day holiday. Offices will reopen on Monday, July 6, 1998, at 8:30 a.m. There will not be a Council meeting on July 7, 1998. The next regularly scheduled Council meeting will be held on Tuesday, July 14, 1998, at 10:00 a.m. in the Council Chambers on The Circle in Georgetown.

Request
to
Petition/
New
Sewer
District

Mr. Archut, Assistant County Engineer, reported that he had received a request from Mr. Patrick Tell, a property owner in the Oak Orchard area, asking the County to prepare petitions regarding the forming of a Oak Orchard Sanitary Sewer District.

M 293 98
Petition/
Oak
Orchard
Sanitary
Sewer
District

A Motion was made by Mr. Collins, seconded by Mr. Rogers, that the Sussex County Council approves the preparation and circulation of petitions to submit the question of organizing the Oak Orchard Sanitary Sewer District to a vote of electors in that district.

Motion Adopted: 5 Yea.

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

Villages
of Old
Landing

Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in "Villages of Old Landing-Phase II", located in the West Rehoboth Sanitary Sewer District.

M 294 98
Execute
Agreement/
Villages
of Old
Landing/
WRSSD

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the President of the Sussex County Council execute an Agreement between Sussex County Council and "Villages of Old Landing Development Corporation", for construction administration and construction inspection services for

M 294 98
(Con't.)

wastewater facilities to be constructed in "Villages of Old Landing, Phase II", located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 295 98
Council-
manic
Grant/
Town of
Bethany
Beach/
Bethany
Histori-
cal
Associa-
tion

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500 from Mr. Cole's Councilmanic Account to the Town of Bethany Beach to be used by the Bethany Beach Historical Association for expenses incurred for renovating and moving into their new museum room.

Motion Adopted: 5 Yea.

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

M 296 98
Council-
manic
Grant/
Caring
About
People

A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$500 from Mr. Collins' Councilmanic Account to Caring About People, Inc. to be used to teach the youth of the Town of Frankford the importance of abstaining from drugs, alcohol and tobacco, and teaching them how to be good citizens.

Motion Adopted: 5 Yea.

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

M 297 98
Council-
manic
Grant/
Laurel
Chamber
of
Commerce

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$150 from Mr. Collins' Councilmanic Account to the Laurel Chamber of Commerce to be used for their 4th Annual Independence Day Celebration.

Motion Adopted: 5 Yea.

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

M 298 98
Council-
manic
Grant/
Cape
Henlopen
High
School
Music
Boosters

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$600, \$300 from both Mr. Cole's and Mr. Rogers' Councilmanic Accounts, to the Cape Henlopen High School Music Boosters to be used for expenses associated with the High School Band performing in the 1999 New Year's Day Parade in London, England, and for the Chorus to perform at the Wembley Theatre and at a reception for the Lord Mayor of London during their stay in London from December 27, 1998 to January 3, 1999.

Motion Adopted: 5 Yea.

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

M 299 98
Council-
manic
Grant/
Future
Program

A Motion was made by Mr. Collins, seconded by Mr. Dukes, to give \$200 from Mr. Dukes' Councilmanic Account to the Future Program, a non-profit organization based in Seaford, to be used for their 4th Annual African-American Festival.

Motion Adopted: 5 Yea.

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

Concerns/
Tall
Weeds

Mr. Collins brought up the County's authority for controlling weeds and trash in the County and, in particular, a property in Laurel. It was reported that Mr. Betts, of the County's Constable Office, is investigating the Laurel property and is trying to get permission from the mortgage company to have the grass cut since this particular property is up for Sheriff's Sale.

Possible
Change of
Traffic
Pattern/
Town of
George-
town

Mr. Dukes reported that he had read a recent newspaper article which stated that the Town of Georgetown has been contacted regarding the possibility of changing the traffic pattern of both Market Street and Laurel Street, in Georgetown. It was the consensus of the Council to write a letter and/or invite a Georgetown town official to attend a future Council meeting so Council can ask questions and express their concerns.

Sale of
Wilmington
Trust
Company
Building
on The
Circle

Mr. Dukes brought up for discussion the Wilmington Trust Company's decision to sell their building on The Circle in Georgetown. Mr. Dukes suggested that since this property contains a building that needs to be preserved, the County should look into the feasibility of purchasing the property and also if there are tenants who would be interested in renting. Mr. Dukes would like County staff to investigate the purchase of this property, with no obligation to buy at this time, and report back to Council within 30 days with recommendations. Since this building holds such historical significance to The Circle, it was the consensus of the Council for County staff to look into the feasibility of the County purchasing the Wilmington Trust Company property, which is located on The Circle.

Thunder-
storm

Mr. Collins mentioned the severe thunderstorm in Sussex County last Friday evening, June 26, 1998. Mr. Stickels reported that a detailed report would be given on the storm at the next Council meeting. He mentioned, however, that the phone line at the County's 911 Center took a direct hit by lightning. The phone line at the 911 Center was down for approximately 7 hours, but, within a half-hour, County staff was set-up at the Seaford 911 Center and all 911 calls were transferred to that location.

Recess

At 10:51 a.m., Mr. Dukes recessed the Council meeting until 11:00 a.m.

Reconvene

Mr. Dukes called Council back into session at 11:03 a.m.

Public
Hearing/
Realty
Transfer
Tax

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103 OF THE CODE OF SUSSEX COUNTY TO INCREASE THE RATE OF THE REALTY TRANSFER TAX, TO PROVIDE FOR THE TRANSFER OF FUNDS TO CERTAIN MUNICIPALITIES, AND TO SPECIFY PERMISSIBLE USES FOR TRANSFER TAX REVENUES". Before this proposed Ordinance can be adopted by Council, the General Assembly must amend State Statute, which would also have to be signed by the Governor, decreasing the State Realty Transfer Tax from two percent to one-and-a-half percent and increasing the level of realty transfer tax that the County may impose from one percent to one-and-a-half percent, and authorizing permitted uses for County transfer tax revenues. The

Realty
Transfer
Tax (Con't.)

current General Assembly session ends at midnight on June 30, 1998. No public comments were received.

M 300 98
Recess
Public
Hearing/
Realty
Transfer
Tax

A Motion was made by Mr. Jones, seconded by Mr. Collins, to recess the Public Hearing on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103 OF THE CODE OF SUSSEX COUNTY TO INCREASE THE RATE OF THE REALTY TRANSFER TAX, TO PROVIDE FOR THE TRANSFER OF FUNDS TO CERTAIN MUNICIPALITIES, AND TO SPECIFY PERMISSIBLE USES FOR TRANSFER TAX REVENUES", until 10:00 a.m. Wednesday, July 1, 1998, to be held in the Council Chambers.

Motion Adopted: 5 Yea.

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

M 301 98
Recess

At 11:35 a.m., a Motion was made by Mr. Collins, seconded by Mr. Dukes, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Dukes called Council back into session at 1:35 p.m.

Public
Hearing
C/Z No.
1339

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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 15.992 ACRES, MORE OR LESS" (C/Z No. 1339) filed on behalf of the State of Delaware (Department of Transportation). Public comments were heard and the Public Hearing was closed.

M 302 98
Adopt Ord.
No. 1244
(C/Z No.
1339)

A Motion was made by Mr. Collins, seconded Mr. Rogers, to Adopt Ordinance No. 1244 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 15.992 ACRES, MORE OR LESS" (C/Z No. 1339) filed on behalf of the State of Delaware (Department of Transportation).

M 302 98
(Con't.)

Motion Adopted: 5 Yea.

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

Findings
of Fact
(C/Z No.
1339)

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 change of zone is corrective in nature and will bring the applicant's entire property into zoning conformity, given its historic uses, without impact of any sort on the surrounding areas.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of Planning & Zoning are incorporated herein.

Public
Hearing
C/Z No.
1338/
Record
Left
Open
Until
7/14/98

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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.98 ACRES, MORE OR LESS" (C/Z No. 1338) filed on behalf of Kings Creek Associates, Inc. Public comments were received and a letter was read into the record which was received from Rehoboth Golf Properties, LLC, dated June 30, 1998. The record was left open until Tuesday, July 14, 1998, for the sole purpose of receiving clarification from the County's Engineering Department regarding sewer capacity which was mentioned in a memorandum dated June 10, 1998 from George, Miles & Buhr; and Action was Deferred.

Public
Hearing
C/U No.
1247/
Action
Deferred

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (16 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.98 ACRES, MORE OR LESS (C/U No. 1247) filed on behalf of Kings Creek

C/U No.
1247
(Con't.)

Associates, Inc. Mr. Bayard, Mr. Lank, Mr. Fuqua, and Mr. Witsil agreed that all of the record for C/Z No. 1338 will be made a part of the record for C/U No. 1247. The Public Hearing was closed and Action was deferred.

Public
Hearing
C/U No.
1248

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 RETAIL SALES OF SPORTING GOODS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS" (C/U No. 1248) filed on behalf of Banks Sporting Goods. There were no public comments and the Public Hearing was closed.

M 303 98
Adopt
Ord. No.
1245
(C/U No.
1248)
with
conditions

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Ordinance No. 1245 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF SPORTING GOODS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS" (C/U No. 1248) filed on behalf of Banks Sporting Goods, with the following conditions:

1. Business hours shall be from 8:00 a.m. to 8:00 p.m., seven days per week.
2. Sales shall be limited to archery, fishing, and primitive weapon supplies and accessories. Shotgun ammunition may also be sold.
3. The existing dwelling shall be used as a single-family residence and/or for storage only.
4. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

Findings
of Fact
(C/U No.
1248)
(Con't.)

1. The applicant established by substantial evidence that the site, historically commercial, should continue to be used as a commercial location, thereby helping to preserve vacant agricultural land in the area.
2. The proposed use is less traffic and customer intrusive than any prior historic commercial use and thereby will have no adverse impact of any sort upon the area.
3. The findings of fact and recommendations of Planning and Zoning are incorporated herein.

Public
Hearing
C/U No.
1249

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 USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (C/U No. 1249) filed on behalf of Peter A. Economos. There were no public comments and the Public Hearing was closed.

M 304 98
Adopt
Ord. No.
1246
(C/U No.
1249)
with
conditions

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt Ordinance No. 1246 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS" (C/U No. 1249) filed on behalf of Peter A. Economos, with the following conditions:

1. Vehicles displayed shall be a minimum of 25' setback from the front property line.
2. No more than 12 vehicles shall be displayed at any one time.
3. Signage shall be limited to one 2-sided sign, not exceeding 32 square feet per side or facing.
4. Lighting shall be limited to security lighting.
5. The existing building shall be utilized for an office.
6. No repair or mechanical work shall be performed on the site.

M 304 98
(Con't.)

7. Washing and waxing of vehicles may be permitted on the site.
8. This approval is for the sale of automobiles and pickups only.
9. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

Findings
of Fact
(C/U No.
1249)

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 site has historically been commercially active; the proposed use is less intense than any past uses.
2. The proposed use is thereby consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of Planning and Zoning are incorporated herein.

M 305 98
Recess

At 3:20 p.m., a Motion was made by Mr. Collins, seconded by Mr. Dukes, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey

Assistant Clerk of the County Council