

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 13, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 13, 1993, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	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 273 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Approve approve the minutes of the previous meeting dated July 6, 1993. Minutes Motion Adopted by Voice Vote.

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

MILFORD MEMORIAL HOSPITAL, MILFORD.
RE: May/June newsletter entitled "Monitor".

WILLIAM W. VANDERWENDE, SUSSEX CONSERVATION DISTRICT, GEORGETOWN.
RE: The appointment of Eric H. Buehl as District Coordinator, effective July 1, 1993.

JOSEPH R. BIDEN, JR., UNITED STATES SENATOR, UNITED STATES SENATE, WASHINGTON, DC.

RE: Mr. Stickels' letter regarding federal funding for the Library Services and Construction Act (LSCA).

Sea Mr. James McCaffrey, President of Sea Country Estates Homeowners Country Association, and Mr. H. Clark Carbaugh, P.E., were present to Estates discuss wastewater management at Sea Country Estates and Bay View and Bay Estates. Mr. Bayard, County Attorney, read in its entirety a View letter, dated July 6, 1993, addressed to Sussex County Council, Estates from Mr. James McCaffrey and Mr. John Flaherty, President of Bay Sewer View Estates Property Owners Association, Inc, regarding this Requests matter. The community associations of Sea Country Estates and Bay View Estates are developing plans for wastewater management at the two subdivisions. The proposed plan is based on the discharge of partially treated wastewater into the existing Sussex County wastewater transmission system, and conveyance to the South Coastal plant for treatment and disposal. Mr. McCaffrey asked for Council's approval to discharge into the South Coastal sewerage system. Numerous questions were raised including:
(1) the legality of Council entering into an agreement with a

Sewer Requests (con't) private firm for wastewater treatment, (2) if the sewer district boundaries are extended, would Council be compelled to service everyone within the new boundaries, and (3) would this set a precedent and thus require the County to do this for other subdivisions. Mr. Bayard, County Attorney, will review and research this matter and report back to Council at a later date.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, RELATING TO SITE PLAN REQUIREMENTS". The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, THE CODE OF SUSSEX COUNTY, RELATING TO PRELIMINARY AND FINAL PLAT REQUIREMENTS". The Proposed Ordinance will be advertised for Public Hearing.

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

1. Delaware Small Business Development Center Training

A seminar entitled "Starting Out In Business" will be conducted at Delaware Technical & Community College, Georgetown, Room 344 A-B, on Tuesday evening, July 13, 1993, from 6:00 to 10:00 p.m. The seminar will cover the real truth about starting out in business, necessary taxes and licenses that would be needed, cash flow analysis, and recordkeeping. The cost of the seminar is \$20.00, including materials and light refreshments. The seminar is being sponsored by the Delaware Small Business Development Center of the University of Delaware.

2. Dial-A-Story

Dial-A-Story will be featured at the Delaware State Fair from July 22 through July 31, 1993. Toy phone booths will be located at the Sussex County Department of Libraries fair area called "Kids Corner". Fairgoers of all ages are invited to Dial-A-Story between noon and 9:00 p.m.

Dial-A-Story is a daily service provided by the Sussex County Department of Libraries in Georgetown. All of the stories read are from Sussex County's 15 public libraries. The story line averages 387 calls daily. Diamond State Telephone will provide the installation of the phone lines.

Dial-A-Story can be called toll free in Sussex County at 856-3535, 856-3536, and 856-3537.

Adminis-
trator's
Report
(con't)

3. House Bill No. 255

Governor Thomas R. Carper signed House Bill No. 255 into law on Monday, July 12, 1993. This legislation will allow the County Council to set its own meeting dates. Mr. Stickels will revise the 1993 holiday schedule within the next few weeks.

4. Delaware State Chamber of Commerce Business Journal

Included with this report was a copy of an article that recently appeared in the June 11-21, 1993, Delaware State Chamber of Commerce Business Journal. The article was featured in a special section on Sussex County entitled "Fair return for tax dollars in Sussex County".

Change
Order

Mr. Green, Director of Utility Construction, discussed Change Order No. 7 and the final recapitulation for the Dagsboro/Frankford Sanitary Sewer District Wastewater Treatment and Spray Facility.

M 274 93
Change
Order
No. 7
Dagsboro/
Frankford
SSD

A Motion was made by Mr. Collins, seconded by Mr. Cole, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 7 for the Dagsboro/Frankford Sanitary Sewer District, to David A. Bramble, Inc., for line item quantity adjustments for a credit amount of \$10,400.00, decreasing this contract amount to \$1,955,824.49.

Motion Adopted: 5 Yea.

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

Agree-
ment

Mr. Green, Director of Utility Construction, discussed an Agreement between Sussex County Council and Great South Beach Improvement Company for construction administration and construction inspection services for wastewater facilities to be constructed in the Rehoboth Beach Yacht and Country Club, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 275 93
Execute
Agreement
Great
South
Beach
Improve-
ment Co.

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the President of the Sussex County Council execute an Agreement between Sussex County Council and Great South Beach Improvement Company for construction administration and construction inspection services for wastewater facilities to be constructed in the Rehoboth Beach Yacht and Country Club, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

July 13, 1993 - Page 4

M 275 93 Motion Adopted: 5 Yea.
(con't)

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

Public
Hearing
Bethany
Beach
SSD

At 11:00 a.m., a Public Hearing was held on the Proposed Expansion to the Bethany Beach Sanitary Sewer District. The expansion would extend the boundary of the Bethany Beach Sanitary Sewer District to encompass a certain piece, parcel, or tract of land lying contiguous to the Bethany Beach Sanitary Sewer District, land being known as Lot 1, Block F, Section II, of Ocean Way Estates, situated at the southeasterly corner of the intersection of Perse Drive and Ogre Drive. No parties appeared in opposition. The Public Hearing was closed.

M 276 93
Adopt
Resolu-
tion No.
R 013 93
Bethany
Beach
SSD

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 013 93 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND LYING CONTIGUOUS TO THE BETHANY BEACH SANITARY SEWER DISTRICT, LAND BEING KNOWN AS LOT 1, BLOCK F, SECTION II, OF OCEAN WAY ESTATES, SITUATED AT THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF PERSE DRIVE AND OGRE DRIVE".

Motion Adopted: 5 Yea.

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

M 277 93
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$300.00 from Mr. Dukes' Councilmanic Account to The Woodland Ferry Association, to provide financial assistance for the 200th anniversary celebration of the Woodland Ferry.

Motion Adopted: 5 Yea.

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

M 278 93
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$250.00, \$50.00 from each Councilmanic Account, to the Sussex County Stamp Club, to provide financial assistance for its Second Annual Stamp Exhibit to be held on September 26, 1993.

Motion Adopted: 5 Yea.

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

M 279 93 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$1,000.00, \$200.00 from each Councilmanic Account, to Delaware Technical & Community College, Olde Fashioned July 4th Celebration, to provide financial assistance for the event.

Motion Adopted: 5 Yea.

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

M 280 93 Executive Session A Motion was made by Mr. Benson, seconded by Mr. Collins, that the Sussex County Council authorizes an Executive Session to be held on Tuesday, July 20, 1993, at 9:00 a.m., in the Sussex County Council Chambers, for the purpose of discussing land acquisition and pending litigation.

Motion Adopted: 5 Yea.

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

Milton Library Mr. Stickels, County Administrator, updated Council on the Milton Library structural damage caused by the adjacent bridge work on Route 5 over the Broadkill River.

Public Hearing Long Neck SSD At 11:20 a.m., a Public Hearing was held on the Proposed Expansion of the Long Neck Sanitary Sewer District. The expansion would extend the boundary of the Long Neck Sanitary Sewer District to encompass a certain piece, parcel, or tract of land lying contiguous to the Long Neck Sanitary Sewer District, approximately 800 feet south of the centerline of the intersection of County Road 298 and County Road 22 (A.K.A. State of Delaware Route 23). No parties appeared in opposition. The Public Hearing was closed.

M 281 93 Adopt Resolution No. R 014 93 Long Neck SSD A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 014 93 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE LONG NECK SANITARY SEWER DISTRICT TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND LYING CONTIGUOUS TO THE LONG NECK SANITARY SEWER DISTRICT, APPROXIMATELY 800 FEET SOUTH OF THE CENTERLINE OF THE INTERSECTION OF COUNTY ROAD 298 AND COUNTY ROAD 22 (A.K.A. STATE OF DELAWARE ROUTE 23).

Motion Adopted: 5 Yea.

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

M 282 93 At 11:25 a.m., a Motion was made by Mr. Stevenson, seconded
Recess by Mr. Cole, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

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

Public A Public Hearing was held on a Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
C/Z COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR
#1200 GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND
LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CON-
TAINING 4.28 ACRES, MORE OR LESS" (C/Z #1200) filed on behalf
of Kenneth C. Whaley. The Public Hearing was closed.

M 283 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Adopt to Adopt Ordinance No. 905 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-
#905 CULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL
DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD
CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.28 ACRES, MORE OR
LESS" (C/Z #1200) filed on behalf of Kenneth C. Whaley.

Motion Adopted: 5 Yea.

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

Findings The Council found that the change of zone was appropriate legis-
of Fact lative action based upon the following findings of fact:

1. The applicant established by substantial evidence that a clear need for additional GR homesites exists in the area.
2. The applicant established by substantial evidence that the change of zone will cause no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The change of zone is consistent with the requirements and goals of the Western Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public A Public Hearing was held on a Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
C/Z COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1
#1201 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING

Public Hearing (con't) AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.42 ACRES, MORE OR LESS" (C/Z #1201) filed on behalf of Orray W. and Max R. Corder. The Public Hearing was closed.

M 284 93 Adopt Ordinance #906 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Ordinance No. 906 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.42 ACRES, MORE OR LESS" (C/Z #1201) filed on behalf of Orray W. and Max R. Corder.

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

1. The applicants established by substantial evidence that the change of zone will bring a long time pre-existing non-conforming use into conformity with the Comprehensive Zoning Ordinance.
2. The applicants established by substantial evidence that the change of zone will cause no adverse impact on the character of the neighborhood, property values therein, traffic, or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/U #1046 A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GENERAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.83 ACRES, MORE OR LESS" (C/U #1046) filed on behalf of Dr. Andrew S. Malinowski.

At a meeting held on June 24, 1993, the Planning and Zoning Commission recommended approval of the Proposed Ordinance with eleven stipulations, as follows:

1. A 30 foot wide buffer shall be located along the side and rear property lines. The buffer shall be planted with a staggering of trees. The plans for the forested planting of the buffer shall be subject to review and recommendation of a State Forester. Existing trees along the rear property line shall be retained. The existing Sycamore trees in the front yard shall be retained.
2. Trash dumpsters shall be located to the rear of the building and shall be screened from view.
3. The front of the building shall be designed to be architect-

Public
Hearing
(con't)

turally compatible with residential structures. Additions to the existing structures shall not exceed one story in height.

4. One unlighted sign, not exceeding 32 square feet per side or facing, shall be permitted.
5. DelDOT approval for the entrance shall be presented prior to submittal of site plans.
6. No residential use of the building shall be permitted.
7. There shall be no parking permitted in the front yard.
8. The front yard setback shall conform to the average of the immediate adjacent parcels along Savannah Road.
9. The use shall be limited to general professional offices for medical, dental, and legal professionals.
10. Business hours shall be 8:00 a.m. to 5:00 p.m. on weekdays, with no weekend hours, except in cases of emergencies.
11. Site plans shall be required to be reviewed and approved by the Planning and Zoning Commission. All appropriate agency permits or approvals shall be required prior to consideration of the final site plan by the Planning and Zoning Commission.

The applicant and several neighbors in attendance advised Council of concerns they have with some of the stipulations. The Public Hearing was closed.

M 285 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that
Stipulation No. 7 ("There shall be no parking permitted in the
front yard.") remain as is.

Motion Denied: 4 Nay, 1 Yea.

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

M 286 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to amend
Stipulation No. 7 to read "There shall be no parking permitted in
the front yard except for required handicapped parking. All other
parking shall be located to the rear of the building".

Motion Adopted: 5 Yea.

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

M 287 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, that
Stipulation No. 10 ("Business hours shall be 8:00 a.m. to
Stipulation #10 5:00 p.m. on weekdays, with no weekend hours, except in cases
of emergencies.") remain as is.

Motion Adopted: 3 Yea, 2 Nay.

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

M 288 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Ordinance No. 907 entitled "AN ORDINANCE TO GRANT A
Ordinance #907 CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT FOR GENERAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL
OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX
COUNTY, CONTAINING 1.83 ACRES, MORE OR LESS" (C/U #1046) filed
on behalf of Dr. Andrew S. Malinowski, with the following
stipulations:

1. There shall be a minimum 15 foot buffer or fence along the westerly property line and a 30 foot buffer along the easterly and rear property lines. The buffer shall be planted with a staggering of trees. The plans for the forested planting of the buffer shall be subject to review and recommendation of a State Forester. Existing trees along the rear property line shall be retained. The existing Sycamore trees in the front yard shall be retained.
2. Trash dumpsters shall be located to the rear of the building and shall be screened from view.
3. The front of the building shall be designed to be architecturally compatible with residential structures. Additions to the existing structures shall not exceed 1 1/2 stories in height.
4. One unlighted sign, not exceeding 32 square feet per side or facing, shall be permitted.
5. DelDOT approval for the entrance shall be presented prior to submittal of site plans.
6. No residential use of the building shall be permitted.
7. There shall be no parking permitted in the front yard except for required handicapped parking. All other parking shall be located to the rear of the building.

M 288 93
(con't)

8. The front yard setback shall conform to the average of the immediate adjacent parcels along Savannah Road.
9. The use shall be limited to professional offices.
10. Business hours shall be 8:00 a.m. to 5:00 p.m. on weekdays, with no weekend hours, except in cases of emergencies.
11. Site plans shall be required to be reviewed and approved by the Planning and Zoning Commission. All appropriate agency permits or approvals shall be required prior to consideration of the final site plan by the Planning and Zoning Commission.
12. The revised site plan submitted by Dr. Malinowski is a part of his application and is subject to the terms of the other eleven stipulations.

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

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

1. The applicant established by substantial evidence that a clear need exists for periodontic services to be provided in Sussex County. Presently, the nearest periodontists are located in Dover and Salisbury.
2. The applicant established by substantial evidence that the proposed use, subject to the twelve conditions established by the Planning and Zoning Commission and by Council, will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area. The twelve conditions will protect the character of the community, a combination of residences and professional offices of high quality.
3. The proposed use is consistent with the Comprehensive Land Use Plan.

Recess President Dukes declared a five minute recess at 3:06 p.m.

Reconvene President Dukes called Council back into session at 3:15 p.m.

Public
Hearing
C/U
#1044

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ASSEMBLY OF SMALL PRODUCTS AND WHOLESALE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.86 ACRES, MORE OR LESS" (C/U #1044) filed on behalf of Thomas and Elizabeth Johnson. The Public Hearing was closed.

M 289 93
Adopt
Ordinance
#908

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 908 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ASSEMBLY OF SMALL PRODUCTS AND WHOLESALE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.86 ACRES, MORE OR LESS (C/U #1044) filed on behalf of Thomas and Elizabeth Johnson, with the following stipulations:

1. Business shall be limited to assembly of materials and products.
2. There shall be no outside storage.
3. The number of employees shall be limited to three.
4. Only one 2' x 3' unlighted sign shall be permitted.
5. All waste shall be properly disposed of.
6. Business shall be limited to one 24' x 40' shop, one 10' x 16' storage building and one 10' x 16' office building.
7. The site plan shall be required to be reviewed and approved by 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

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

1. The applicant established by substantial evidence that a need exists for the proposed uses and services to be provided on site.
2. The applicant established by substantial evidence that there will be no adverse impact on traffic, the environment in the area, the neighborhood or property values therein.

Findings (con't) 3. Subject to the seven stipulations, the proposed use meets the purposes of the Comprehensive Land Use Plan.

Public Hearing C/U #1045 A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF CONDITIONAL USE NO. 914 FOR A GENERAL CONTRACTORS OFFICE AND SHOP, AND STORAGE OF MATERIALS AND EQUIPMENT, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.17 ACRES, MORE OR LESS" (C/U #1045) filed on behalf of John D. Mills. The Public Hearing was closed.

M 290 93 Adopt Ordinance #909 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 909 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF CONDITIONAL USE NO. 914 FOR A GENERAL CONTRACTORS OFFICE AND SHOP, AND STORAGE OF MATERIALS AND EQUIPMENT, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.17 ACRES, MORE OR LESS" (C/U #1045) filed on behalf of John D. Mills, with the following stipulations:

1. The only equipment to be maintained, serviced, or repaired on the site shall be company equipment.
2. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
3. The amount of equipment shall not exceed the present seven pieces of equipment and shall be limited to the following types of equipment:
 - a. Backhoe
 - b. Roller
 - c. Tractor
 - d. Six-wheeled Dump Truck
 - e. Trailer (20' long)
 - f. Trailer (12' long)
 - g. Blacktop Machine

Motion Adopted: 5 Yea.

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

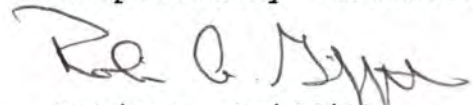
Findings of Fact The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

Findings
of Fact
(con't)

1. The applicant established by substantial evidence that the proposed use will serve the needs of the northern Sussex community and that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. As an expansion of an existing conditional use, the proposed use meets the purposes of the Comprehensive Land Use Plan.

M 291 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adjourn adjourn at 3:47 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council