

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE - AUGUST 31, 1999

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, August 31, 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
George B. Cole	Member
Dale R. Dukes	Member
Vance C. Phillips	Member
Robert L. Stickels	County Administrator
David B. Baker	Finance Director
Eugene H. Bayard	County Attorney

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

M 466 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 467 99
Approve
Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the minutes of the previous meeting dated August 24, 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 read the following correspondence:

Corre-
spondence
(continued)

F. GARY SIMPSON, ASSISTANT DIRECTOR, ALUMNI & UNIVERSITY RELATIONS, UNIVERSITY OF DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant for Cape Concert at Summer Arts Festival in Lewes.

DOLLY S. BANKS, PRESIDENT, MOTHERS AGAINST DRUNK DRIVING (MADD), GEORGETOWN, DELAWARE.

RE: Letter in appreciation of donation for MADD sign that was placed on their building.

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

RE: Notice of Public Hearing on the proposal of Regulation 37 – NOx Budget Program, to be added to the State of Delaware Regulations Governing the Control of Air Pollution.

OTHA AND AMANDA BATSON, SEAFORD, DELAWARE.

RE: Letter in appreciation of home improvements made possible by the Sussex County Community Development and Housing Division.

Visitors

Mr. Stickels recognized Mr. Don Ward who introduced three Russian diplomats that he is hosting along with the Methodist Church while they are visiting Sussex County.

M 468 99
Youth
Activity
Assistance
Program
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$600.00 to Woodbridge Pop Warner from the Youth Activity Assistance Program (Jones - \$600.00).

Motion Adopted: 5 Yea.

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

M 469 99
Youth
Activity
Assistance
Program
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 to Laurel Pop Warner Football and Cheerleading from the Youth Activity Assistance Program (Dukes - \$250.00, Phillips - \$250.00).

Motion Adopted: 5 Yea.

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

M 470 99
Youth
Activity
Assistance
Program
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 to the Seaford Little League Football Program from the Youth Activity Assistance Program (Dukes - \$500.00).

Motion Adopted: 5 Yea.

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

Sombar
Property

Mr. Stickels advised Council that property adjoining the County's parking lot owned by S. Thomas Sombar has been offered for sale at an asking price of \$25,000. The property, located at Harris Alley and Cherry Lane, Georgetown, Delaware, is approximately 60 feet by 150 feet and would be useful for additional parking. Mr. Stickels recommended that a price of \$20,000 be offered for the purchase of the property.

M 471 99
Authorize
Purchase/
Sombar
Property

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, that Mr. Stickels be authorized to negotiate the acquisition of the S. Thomas Sombar property, located at Harris Alley and Cherry Lane, Georgetown, Delaware, for use as additional parking at a purchase price of \$20,000.

Motion Adopted: 5 Yea.

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

County
Adminis-
trator's
Report

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

1. Council Meeting Schedule

Sussex County government offices will be closed on Monday, September 6, 1999, to allow employees to observe the Labor Day holiday. The County Council will not have a Council meeting on Tuesday, September 7, 1999. The next regularly scheduled Council meeting will be Tuesday, September 14, 1999, at 10:00 a.m. in the Council Chambers, Georgetown, Delaware.

2. Workshop

I would like to publicly announce that a workshop has been scheduled for the Planning and Zoning Commission, Board of Adjustment, and Sussex County Council. The purpose of the workshop is to discuss issues pertinent to land use activities in Sussex County. The workshop will be held on Wednesday, September 22, 1999, at the County's West Complex located on DuPont Highway, Georgetown, Delaware. The workshop will start at approximately 6:30 p.m., immediately following a buffet dinner for the staff and board members.

The general public is welcome to observe the workshop, but there will not be public comments taken at that time.

3. Proposed Bay View Estates Sanitary Sewer District Public Hearing Summary

The Sussex County Engineering Department held a Public Hearing on the proposed boundaries of the Bay View Estates Sanitary Sewer District on Saturday, August 28, 1999. One hundred forty-four (144) people attended the hearing. Almost everyone who spoke was in favor of the proposal and bringing it to a referendum vote. No estimated user charges or cost estimates were presented. These will be provided prior to a referendum being held. The record was left open for written comments until 4:30 p.m. on September 3, 1999. A full report on the

Report
(continued)

hearing and a recommendation on the boundaries will be made by the Sussex County Engineering Department on September 21, 1999.

Road
Naming
Program

Mr. Norwood, Supervisor of Mapping and Addressing, distributed copies of Road Name Change Applications and Petitions which have been received to date. The following is a synopsis of those requests:

<u>Road No.</u>	<u>Road Name</u>	<u>Begin Point</u>	<u>End Point</u>	<u>Suggested Name</u>
213	Wintjen Road	207	Town Limits	North Old State Road
226	Peachtree Road	16	224	Holly Tree Road
227	Warren Farm Road	16	30	Hummingbird Road
256	Martin Swamp Road	88	5	Lucas Development Road
275A	Martins Road	274	270B	Airport Road
288	Wil King Road	280B	287	Cedartree Road
309	Drane	24	304	William Street Road
312A	Layton Davis Road	24	312	Harman's Road
318	Colony Road	48	326	Patriots Way
402A	Bakers Road	26	402	Fox Run
411A	Haunted House Road	411	407	Delbert's Strip
437A	Lorento	24	62	Adams
497	Buckswamp Road	494	509	Old Hickory Road
546	Cannon Road	18	17	Wilson Farm Road
546	Speck Road	18	543	Conrail Road
549	S. Oak Grove Road	21	80	Old Carriage Road
580	Produce Alley	569	404	Tull Road
585	Salvage Road	16	36	Woodbridge Road
587A	Haunted House Road	34	585	Deer Meadows Road
594	Walkers Mill Road	404	40	Gully Camp Road/Oak Road
603	Wolf Road	594	End	B & R Road
606	Marsh Road	593	595	Sammons Road
609	Prong Road	42	595	Smith Haven Road
626	Johnson's Branch Road	36	594	Appel's Road
642	N. Cannon Street	404	13	Antique Alley
86	Cow Bridge Road	113	318	Avenue of Honor
630	Wiseman Road	44	16	Century Farm Road

Applications will continue to be accepted until 4:30 p.m. on August 31, 1999. As previously established by Council, the Public Hearing will be

Road
Naming
Program
(continued)

held on September 21, 1999, to consider all of the requests received. Mr. Norwood's Office will personally contact individuals who have filed applications to advise them of the date and time of the Public Hearing. Administrative changes and misspellings will also be addressed at that time. Mr. Jones proposed that the Public Hearing be held during the evening to better accommodate the public, and if agreeable to Council, suggested that the entire Council meeting on September 21, 1999, be moved to the evening hours.

M 472 99
Council
Meeting
Schedule
(Withdrawn)

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the County Council meeting on Tuesday, September 21, 1999, begin at 6:00 p.m., with the Public Hearing to discuss Road Name Change Applications to be scheduled at 7:00 p.m. After some discussion, Mr. Phillips withdrew his Motion.

M 473 99
Council
Meeting
Schedule

A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the County Council meeting on Tuesday, September 21, 1999, begin at 4:00 p.m., with the Public Hearing on Road Name Change Applications scheduled to begin at 6:00 p.m.

Motion Adopted: 3 Yea, 2 Nay.

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

DelDOT
Agreement/
Sussex
County
Project
No. 99-09/
Ocean View
Sewer
Collection
and
Conveyance

Mr. Izzo, County Engineer, discussed a proposed agreement with the Delaware Department of Transportation (DelDOT) regarding Sussex County Project 99-09, Ocean View Sewer Collection and Conveyance. During the design process, the Sussex County Engineering Department became aware that DelDOT is planning to do a hot mix overlay in the Route 26 area. Rather than go behind and tear up the road, DelDOT was asked to delay their project until the County's work is completed. As a result, DelDOT proposes to provide up to \$195,000 for the hot mix overlay for Route 26, from the Assawoman Canal to Route 349, to be included in the County's contract.

M 474 99
 Approve
 DelDOT
 Agreement/
 Sussex
 County
 Project
 No. 99-09/
 Ocean View
 Sewer
 Collection/
 Conveyance

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that based upon the recommendation of the Sussex County Engineering Department, that the agreement with the State of Delaware Department of Transportation be approved to allow the SR 26 hot mix overlay to be included in the contract for Sussex County Project No. 99-09, Ocean View Sewer Collection and Conveyance.

Motion Adopted: 5 Yea.

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

Bid Results/
 Sussex
 County
 Project
 No. 99-09/
 Ocean
 View
 Expansion
 of the
 Bethany
 Beach
 Sanitary
 Sewer
 District/
 Collection
 and
 Conveyance

Mr. Izzo, County Engineer, briefly reviewed the bid results for Sussex County Project No. 99-09, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, Collection and Conveyance, as follows:

	<u>Bidder</u>	<u>Base Bid Schedule</u>	<u>Alternate Schedule #1</u>
	L. A. Merrell Construction Sudlersville, MD	\$6,946,076.28	\$7,093,276.28
	Bunting and Murray Selbyville, DE	\$7,039,617.10	\$7,248,641.10

The Engineer's estimate for this project was \$8,052,637.00.

The Ocean View Expansion of the Bethany Beach Sanitary Sewer District, Collection and Conveyance, will provide sanitary sewer service to the Town of Ocean View. Mr. Izzo explained that the Alternate #1 Bid Schedule allows for the existing tar and chip roads controlled by the Town of Ocean View to be upgraded to hot mix. A letter has been provided by the Mayor stating that the Town of Ocean View will pay the extra cost resulting from the Alternate #1 Bid Schedule. Construction is scheduled to begin mid-October, with a 15-month completion date.

M 475 99
Award
Bid/
Sussex
County
Project
No. 99-09/
Ocean View
Expansion/
Collection
and
Conveyance

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that based upon the recommendation of the engineering consultants, Whitman, Requardt and Associates, LLP, and the Sussex County Engineering Department, that Sussex County Project No. 99-09, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, Collection and Conveyance, be awarded to L. A. Merrell Construction, Inc., of Sudlersville, Maryland, at the Bid Schedule Alternate #1 bid amount of \$7,093,276.28, contingent upon the receipt of approval from the Department of Natural Resources and Environmental Control.

Motion Adopted: 5 Yea.

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

Proposed
Ordinance

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 9.0 ACRES, MORE OR LESS" (Change of Zone No. 1390) filed on behalf of First State Storage. The Proposed Ordinance will be advertised for Public Hearing.

Youth
Activity
Assistance
Program
Requests

Mr. Phillips stated that at one point there was some discussion about combining the Youth Activity Assistance Program requests into one vote, maybe on a monthly basis, so as not to take up so much time at weekly Council meetings. It was the consensus that copies of requests continue to be forwarded to Council members and addressed at their discretion.

Sound
System/
Council
Chambers

Mr. Dukes requested that Mr. Stickels contact Mid-South Audio in Georgetown to see if anything can be done to improve the sound system in the Council Chambers. A complaint has been received that during a recent Planning and Zoning Commission meeting there was a rather large crowd and nothing could be heard in the back of the room.

M 476 99
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$800.00, \$400.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Accounts, to Milford Community Parades, Inc., for the community parade to be held Wednesday, October 27, 1999.

Motion Adopted: 5 Yea.

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

Economic
Develop-
ment/
Town of
Milton

For informational purposes, Mr. Rogers advised that he has been participating in weekly meetings with the Town of Milton and the Delaware Economic Development Office (DEDO) regarding economic development for the Town of Milton. Mr. Darrell J. Minott, Director of the DEDO, and his staff have been very helpful.

M 477 99
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc., for Martin Johnson to attend a meeting of the Committee of Executive Directors held in conjunction with the International Association of Chiefs of Police Annual Conference in Charlotte, North Carolina, October 30 to November 2, 1999.

Motion Adopted: 5 Yea.

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

M 478 99
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$100.00 from Mr. Jones' Councilmanic Account to the Bridgeville Community Action Agency for the Community Parent Resources Center Back To School Fun Day.

Motion Adopted: 5 Yea.

M 478 99
(continued)

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

CHEER
Ribbon
Cutting

Mr. Stickels reported that Sussex County Senior Services, Inc., (CHEER) will be having a Ribbon Cutting Ceremony for their new building on Tuesday, September 28, 1999, at 10:00 a.m. It was suggested that the County Council may want to delay its regularly scheduled meeting until 10:30 a.m. that day to allow Council members to attend the ceremony.

M 479 99
Council
Meeting
Schedule

A Motion was made by Mr. Dukes, seconded by Mr. Cole, that the County Council meeting on Tuesday, September 28, 1999, begin at 10:30 a.m. to allow Council members to attend the Sussex County Senior Services, Inc., (CHEER) Ribbon Cutting Ceremony scheduled for 10:00 a.m.

Motion Adopted: 5 Yea.

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

DeIDOT
Meeting

Mr. Stickels advised that he will be attending the initial meeting of the Delaware Department of Transportation (DeIDOT) Citizens' Advisory Traffic Committee at 1:00 p.m. this date in Dover and, therefore, will not be present at the afternoon session of Council.

M 480 99
Youth
Activity
Assistance
Program
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$500.00 to Milford Magic Softball, Inc., from the Youth Activity Assistance Program (Jones - \$250.00, Rogers - \$250.00).

Motion Adopted: 5 Yea.

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

M 481 99
Recess

At 10:58 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

Mr. Jones called Council back into session at 1:30 p.m.

Public
Hearing
(C/U
No. 1300)

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 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 Planning and Zoning Commission recommended approval of this application on August 12, 1999. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 482 99
Adopt
Ordinance
No. 1338
(C/U
No. 1300)

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 1338 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, with the following condition:

1. 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. 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:

Findings
of Fact
(continued)

1. The applicant established by substantial evidence that the proposed use will serve the convenience of the community and of the local area without adverse impact of any sort.
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. 1301)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A CREMATORIUM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.2 ACRES, MORE OR LESS" (Conditional Use No. 1301) filed on behalf of Independent Associates, Inc. The Planning and Zoning Commission recommended approval of this application on August 12, 1999. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 483 99
Adopt
Ordinance
No. 1339
(C/U
No. 1301)

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Ordinance No. 1339 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A CREMATORIUM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.2 ACRES, MORE OR LESS" (Conditional Use No. 1301) filed on behalf of Independent Associates, Inc., with the following condition:

1. The facility will not be used for the disposal of farm animals, horses, or poultry, and shall be limited to the cremation of human beings, household pets, and domestic animals.

Motion Adopted: 5 Yea.

M 483 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 is located in a General Commercial District and is appropriately located to assure no adverse impact of any sort will occur, while serving an area-wide need.
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. 1302)

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 BAIT AND TACKLE SHOP IN AN ACCESSORY BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 39,176 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1302) filed on behalf of Rick A. Willman. The Planning and Zoning Commission recommended approval of this application on August 12, 1999. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 484 99
Adopt
Ordinance
No. 1340
(C/U
No. 1302)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1340 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BAIT AND TACKLE SHOP IN AN ACCESSORY BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 39,176 SQUARE

M 484 99
(continued)

FEET, MORE OR LESS" (Conditional Use No. 1302) filed on behalf of Rick A. Willman, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. Business hours shall be from 5:00 a.m. to 9:00 p.m. seven days per week.
3. One lighted sign, not exceeding 32 square feet per side or facing, may be permitted.
4. Outdoor displays shall be restricted to the area in front of the shop and shall be depicted on the site plan.
5. One walk-in freezer may be placed behind the shop.
6. The trash container location shall be depicted on the site plan.
7. The applicant shall maintain Julia's Lane in its present condition from his entrance and exit to Route 22.

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 is a relocation of an existing business to a larger, more accessible location without adverse impact of any sort, while serving the convenience of the local area.
2. The proposed use is consistent with the purposes and goals of the

Findings
of Fact
(continued)

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. 1303)

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 MINI-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.4 ACRES, MORE OR LESS OF A 12.6 ACRE PARCEL" (Conditional Use No. 1303) filed on behalf of David R. Briggs. The Planning and Zoning Commission recommended approval of this application on August 12, 1999. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 485 99
Adopt
Ordinance
No. 1341
(C/U
No. 1303)

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to Adopt Ordinance No. 1341 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.4 ACRES, MORE OR LESS OF A 12.6 ACRE PARCEL" (Conditional Use No. 1303) filed on behalf of David R. Briggs, with the following conditions:

1. Minimum six-foot high chain-link type fencing shall be installed around the perimeter of the storage area.
2. This approval is for a mini-storage facility. Only RV's and campers may be stored outside.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
4. Security lighting shall be provided.

M 485 99
(continued)

5. The cul-de-sac within the mobile home park shall not be blocked with fencing for the storage area.

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 the convenience of area residents without adverse impact of any sort.
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.

M 486 99
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 2:37 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Susan W. Webb

Acting Clerk of the County Council