

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 31, 2000

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 31, 2000, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 548 00 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve
Approve the Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

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

M 549 00 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve
Approve the minutes of the October 24, 2000, meeting, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard read the following correspondence:
spondence

JACK MYERS, SECRETARY, MASON-DIXON WOODWORKERS,
DELMAR, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

ROSALIE B. WALLS, PRESIDENT, SUSSEX COUNTY RETURN
DAY, INC., GEORGETOWN, DELAWARE.

Corre-
spondence
(continued)

RE: Letter of invitation to the dedication of the Brick Hotel marker on Thursday, November 9, 2000.

ALBERT F. BOWERS, SEVERN, MARYLAND.

RE: Letter commending two County employees in the Recorder of Deeds office – Rose Hastings and Dot Smith.

SCOTT COULBOURN, CITY OF SEAFORD, DEPARTMENT OF PARKS AND RECREATION, SEAFORD, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

Milford
Senior
High
School
Spanish
Club

Ms. Nancy Burkett and members of the Milford Senior High School Spanish Club were in attendance to discuss their upcoming trip to Puerto Rico and to seek funding for the trip. Ms. Burkett advised Council that the students would like to offer their services to the County Council in exchange for a donation to their trip fund. The trip will cost \$2,000 per student and it is the goal of the teacher and parent group that every eligible student will be able to attend the trip.

Fiscal
2001
Human
Service
Grants

Mr. Stickels discussed the listing of recommendations for the Fiscal 2001 Human Service Grants, as follows:

American Red Cross	\$2,000.00
ANKH, Inc.	\$ 500.00
Arthritis Foundation	\$1,000.00
The Beacon Mission	\$ 500.00
Big Brothers/Big Sisters of Delaware, Inc.	\$1,000.00
Boys & Girls Club of Delaware -Western Sussex at Hollis Park	\$2,500.00
Boy Scouts – Delmarva Council	\$1,000.00
Boy Scouts of America Troop # 584	\$1,000.00
Bridgeville Community Action Agency	\$1,500.00
Casa San Francisco	\$2,000.00
CHEER Centers	
A. Georgetown	\$1,000.00
B. Greenwood	\$1,000.00

Fiscal
2001
Human
Service
Grants
(continued)

C. Huling Cove (Lewes)	\$ 500.00
D. Nanticoke Indian Elder	\$1,000.00
E. Oak Orchard	\$ 500.00
F. Roxana	\$1,000.00
G. Slaughter Neck	\$1,000.00
Center for the Inland Bays	\$2,000.00
Children & Families First	\$1,000.00
Christian Storehouse	\$1,000.00
Community Legal Aid Society, Inc.	\$1,000.00
Contact Delaware	\$1,000.00
Creative Connections, Inc.	\$1,000.00
Dagsboro Church of God (Joseph's Storehouse Subsistence Ministry)	\$ 500.00
Dagsboro Church of God (Thanksgiving Celebration)	\$1,000.00
Dagsboro Youth Fund	\$1,000.00
Delaware Agricultural Museum and Village	\$1,000.00
Delaware Association for Children of Alcoholics	\$ 500.00
Delaware Crime Stoppers	\$ 500.00
Delaware Hospice	\$2,000.00
Delaware Music School	\$ 500.00
Delaware Nature Society	\$1,000.00
Delaware Police Chiefs' Council (Local Police Coordination)	\$3,000.00
Delaware Police Chiefs' Council (Local Coordinator's Trip)	\$ 700.00
Delaware Senior Olympics	\$ 500.00
Delaware Society for the Prevention of Cruelty to Animals	\$1,000.00

Fiscal
2001
Human
Service
Grants
(continued)

Delaware State Police Museum	\$1,000.00
Delmarva Clergy United in Social Action, Inc.	\$1,000.00
Delmarva Rural Ministries, Inc.	\$2,000.00
Dry Dock, Inc.	\$ 500.00
Easter Seal Rehabilitation Center	\$1,000.00
Families in Crisis	\$1,000.00
Georgetown Day Care Center, Inc.	\$1,000.00
Girl Scouts of Area 30	\$ 500.00
Good Samaritan Aid Organization	\$1,000.00
Harbor Healthcare & Rehabilitation Center	\$ 500.00
Harvest Ministries, Inc.	\$ 200.00
Hickory Tree Children's Center	\$ 500.00
Home of the Brave	\$1,000.00
Interfaith Mission of Sussex County	\$ 500.00
Junior Achievement of Delaware	\$1,000.00
Kent-Sussex Industries, Inc.	\$1,000.00
Kiwanis Foundation of Rehoboth Beach, DE, Inc.	\$1,000.00
La Esperanza, Inc.	\$1,500.00
Laurel Lions Club	\$1,000.00
Laurel Youth Sports	\$ 750.00
Mammography of Delaware	\$1,200.00
Martin Luther King, Jr. Celebration Committee	\$1,500.00
Meals on Wheels of Lewes & Rehoboth, Inc.	\$6,000.00
National Multiple Sclerosis Society	\$1,000.00

Fiscal
2001
Human
Service
Grants
(continued)

New Coverdale Outreach Mission	\$1,500.00
Ocean View Leisure & Resource Center	\$ 500.00
People's Place II, Inc.	\$2,500.00
Possum Point Players	\$ 500.00
Potters House Outreach	\$ 500.00
Primeros Pasos/Telamon Early Childhood Education Center	\$ 500.00
Pyle Child Development Center	\$ 750.00
Read-Aloud Delaware	\$1,000.00
Rehoboth Art League, Inc.	\$ 481.00
Seaford Historical Society, Inc.	\$1,000.00
Second Street Players	\$ 500.00
Southern Delaware Therapeutic Horseback Riding	\$1,400.00
Sussex County Senior Centers	
A. Bridgeville	\$3,000.00
B. Cape Henlopen	\$3,000.00
C. Indian River	\$3,000.00
D. Laurel	\$3,000.00
E. Lewes	\$3,000.00
F. Milford	\$3,000.00
G. Nanticoke	\$3,000.00
Sussex Community Crisis Housing Services, Inc.	\$2,000.00
Sussex Community Swim Team AKA: Sussex County Swim Team	\$ 500.00
Sussex County AIDS Committee, Inc.	\$1,500.00
Sussex County Interfaith Volunteer Caregivers	\$ 750.00
Sussex Pregnancy Care Center	\$1,000.00

Fiscal 2001 Human Service Grants (continued)	Sussex County Retired Senior Volunteer Program Advisory Committee	\$ 750.00
	The Way Home Program	\$ 500.00
	United Cerebral Palsy	\$1,000.00
	United Way of Delaware	\$2,000.00
	West Side Beginnings, Inc.	\$1,000.00
	Wildlife Habitat, Inc.	\$ 500.00
	Sussex Family YMCA – Campaign for Kids	\$1,000.00

Mr. Stickels advised that the recommended distribution totals \$111,481.

Mr. Cole recommended that \$1,000 be allocated for the Prison Arts Program, as done in the past. This would increase the recommended distribution total to \$112,481.

M 550 00 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Authorize Distribution of Fiscal 2001 Human Service Grants in Fiscal 2001, as amended.

Motion Adopted: 5 Yea.

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

Surplus County Vehicle Mr. Stickels advised that a 1990 Dodge Pickup with 200,470 miles has been turned over to the Maintenance Department from the Water and Sewer Districts for parts or disposal. Mr. Stickels requested Council's permission to remove the surplus vehicle from the County's inventory. Mr. Webb, Facilities Manager, will seek the best price from several area salvage yards.

M 551 00 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Surplus County Vehicle authorize the removal of the 1990 Dodge Pickup from the County's inventory.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Milton Library Schedule

The Milton Library will be closing at 6:00 p.m. on Tuesday, October 31, 2000, because of Halloween activities in the Town of Milton, and at 6:00 p.m. on Wednesday, December 6, 2000, because of the Milton Christmas Parade. Activities in the downtown area during these festivities impede access to the building.

2. First-Time Homebuyer Counseling

Included with this report is a notice from Discover Bank regarding a workshop for first-time homebuyers to include counseling on refinancing, home improvements, or purchasing a new home. The workshop will take place on Saturday, November 18, 2000, from 9:00 a.m. to 3:00 p.m. at the CHEER Community Center, Shingle Point Road, Georgetown, Delaware.

3. Region No. 2 Planning Meeting

As part of the preparation for the new Land Use Plan, County officials will be meeting with the towns of Milford, Ellendale, Georgetown, Milton, Slaughter Beach, and Millsboro on Friday, November 3, 2000, at 1:30 p.m. at the Sussex County Administrative Office Building. The meeting will consist of an update from County officials to the local municipalities regarding activities that are taking place in the Region 2 area.

The media, as well as the general public, is invited to observe the workshop.

4. Holiday Schedule

County offices will be closed Tuesday, November 7, 2000, in observance of the general election. Offices will also be closed Thursday, November 9, 2000, to allow employees to participate in Return Day festivities and Friday, November 10, 2000, in observance of Veterans Day.

There will not be a Council meeting on November 7. County offices will reopen at 8:30 a.m. on November 8. The next regularly scheduled Council meeting will be at 10:00 a.m. on Tuesday, November 14, 2000, in the Council Chambers.

M 552 00
The
Orchard
Townhouses

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in The Orchard Townhouses, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 553 00
The
Woods
at
Seaside

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Robino Woods at Seaside, LLC, for wastewater facilities to be constructed in The Woods at Seaside, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Update/
Fires

Mr. Stickels updated the Council on several fires that took place on Monday, October 30th.

Student
Scholarship
Online
Election
Contest

Mr. Phillips discussed a Student Scholarship Online Election Contest that he would like implemented. All Sussex County school children would be invited to participate. Students would be asked to predict the outcome of the November 7th elections, with 5 students having the most accurate predictions receiving \$100 scholarships. Entrants would be asked to provide the winners and the winning percentages of the following races: United States President, Delaware's United States Senator, Delaware's United States Representative, Delaware's Governor, Delaware's Lieutenant Governor, and Delaware's Insurance Commissioner. Entry forms would be available online beginning on Thursday, November 2nd, on Sussex County Council's website; the contest would conclude on Monday, November 6th. In case of a tie, winners would be selected by lottery.

M 554 00
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to provide \$500.00 from Mr. Phillips' Councilmanic Account for a scholarship contest with the County retaining the funds in a special account until the funds are distributed.

M 554 00
(continued)

Motion Adopted: 4 Yea, 1 Nay.

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

M 555 00
Youth
Activity
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$100.00 from each Youth Activity Grant Account to the Delaware Devils to help pay for tournaments and equipment.

Motion Adopted: 5 Yea.

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

M 556 00
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$250.00, \$125.00 each from Mr. Rogers' and Mr. Jones' Councilmanic Accounts, to the Bad Company Coed Softball Team for traveling expenses.

Motion Adopted: 5 Yea.

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

M 557 00
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$350.00 from Mr. Dukes' Councilmanic Account to the Delaware State Police Troop 5 to purchase concrete for the construction of a basketball court to address a public safety concern on Road 516 in the Concord area.

Motion Adopted: 5 Yea.

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

Citizen's
Comments

Mr. Dan Kramer addressed Council and requested funding for the Sheriff's Legal Fund.

Recess

At 10:50 a.m., Mr. Rogers declared a recess until 1:30 p.m.

Reconvene

At 1:30 p.m., Mr. Rogers called Council back into session.

Public
Hearing
(C/Z
No. 1416)

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 HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.64 ACRES, MORE OR LESS" (Change of Zone No. 1416) filed on behalf of Mills Landing Associates, L.P.

Mr. Rogers did not participate in this Public Hearing due to a potential conflict of interest. Mr. Dukes presided over the meeting.

The Planning and Zoning Commission held a Public Hearing on this application on October 12, 2000, at which time they recommended that the application be approved.

Preston Dyer and Gary McCrea were present and spoke on behalf of the application. There were no public comments and the Public Hearing was closed.

M 558 00
Adopt
Ordinance
No. 1409
(C/Z
No. 1416)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1409 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.64 ACRES, MORE OR LESS" (Change of Zone No. 1416) filed on behalf of Mills Landing Associates, L.P.

Motion Adopted: 4 Yea, 1 Not Voting.

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

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 the change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan and consistent with the nature and character of development in the nearby area. DelDOT has heretofore approved entrance design and construction and has determined that there will be minimal, if any, traffic impact and no other impacts of any sort.

Findings
of Fact

2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1417)

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 HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS” (Change of Zone No. 1417) filed on behalf of Harbour Towne Associates, L.P.

Mr. Rogers did not participate in this Public Hearing due to a potential conflict of interest. Mr. Dukes continued to preside over the meeting.

The Planning and Zoning Commission held a Public Hearing on this application on October 12, 2000, at which time they recommended that the application be approved.

Preston Dyer and Gary McCrea were present and spoke on behalf of the application.

Ms. Julia Savage and Mr. William Press spoke in opposition to the application. Comments pertained to the low income/subsidized housing aspect of the application, the detrimental effect the project will have on property values in the area, concerns relating to traffic and problems with the existing entrance.

Council discussed deferring action on the application to allow time for the County to receive information from DelDOT regarding a traffic impact study and adequacy of the existing entrance.

The Public Hearing was closed.

M 559 00
Defer
Action on
C/Z
No. 1417

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action 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 HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS” (Change of Zone No. 1417) filed on behalf of Harbour Towne Associates, L.P.

Motion Adopted: 4 Yea, 1 Not Voting.

M 559 00
(continued)

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

Public
Hearing
Record

The record of the Public Hearing will remain open for receipt of information from DelDOT. Once the letter from DelDOT has been received, Ms. Savage and Mr. Press will have 2 weeks to respond to DelDOT's comments.

Mr. Rogers rejoined the meeting.

Public
Hearing
(C/U
No. 1361)

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 RELOCATION AND AMENDMENT TO CONDITIONAL USE NO. 891 (BORROW PIT) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 50.0 ACRES, MORE OR LESS" (C/U No. 1361) filed on behalf of Joseph and Daniel Moore.

The Planning and Zoning Commission held a Public Hearing on this application on October 12, 2000, at which time they recommended that the application be approved.

Mr. Joseph Moore and Mr. Daniel Moore, applicants, and Mr. Fuqua, Attorney, were present and spoke on behalf of the application stating that they intend to relocate the boundaries of the borrow pit that was approved in 1988.

Mr. Cole requested that some suggested conditions be submitted to Council, especially in reference to the County's requirements for borrow pits and reclamation plans.

Mr. Fuqua, Attorney, and Mr. Lank, Director of Planning and Zoning, will develop conditions and submit them to Council at the November 14, 2000, meeting.

There were no public comments and the Public Hearing was closed.

M 560 00
Defer
Action
(C/U
No. 1361)

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RELOCATION AND AMENDMENT TO CONDITIONAL USE NO. 891 (BORROW PIT) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 50.0 ACRES, MORE OR LESS" (C/U No. 1361) filed on behalf of Joseph and Daniel Moore.

M 560 00
(continued)

Motion Adopted: 5 Yea.

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

Public
Hearing
(C/U
No. 1362)

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 TO ADD ONE ADDITIONAL LOT TO AN EXISTING 31 LOT MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 18.48 ACRES, MORE OR LESS" (Conditional Use No. 1362) filed on behalf of Timothy S. Johnson.

Mr. Johnson was present on behalf of his application and stated that he wanted to add one additional lot to an existing 31 lot mobile home park.

The Planning and Zoning Commission held a Public Hearing on this application on October 12, 2000, at which time they recommended that the application be approved.

There were no public comments and the Public Hearing was closed.

M 561 00
Adopt
Ordinance
No. 1410
(C/U
No. 1362)

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Ordinance No. 1410 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ADD ONE ADDITIONAL LOT TO AN EXISTING 31 LOT MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 18.48 ACRES, MORE OR LESS" (Conditional Use No. 1362) filed on behalf of Timothy S. Johnson, with the following condition:

1. The site plan is subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Not Voting.

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

Mr. Rogers did not participate in the vote due to a potential conflict of interest.

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 that the proposed use is a minor modification, adding one lot to a fully developed mobile home park and will have no impact of any sort. The use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/U No. 1363)

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 COUNTRY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.052 ACRES, MORE OR LESS” (Conditional Use No. 1363) filed on behalf of Richard A. Smith.

Mr. Smith was present on behalf of his application and stated that he wants to open a country store.

The Planning and Zoning Commission held a Public Hearing on this application on October 12, 2000, at which time they recommended that the application be approved.

There were no public comments and the Public Hearing was closed.

M 562 00 Adopt Ordinance No. 1411 (C/U No. 1363)

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to Adopt Ordinance No. 1411 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COUNTRY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.052 ACRES, MORE OR LESS” (Conditional Use No. 1363) filed on behalf of Richard A. Smith, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. There shall be no petroleum fuel sales.
3. There shall be no alcoholic beverage sales.
4. One (1) unlighted on-premise ground sign, not exceeding 32 square foot per side or facing, may be permitted.

M 562 00
(continued)

5. The building design shall be consistent with the buildings in the general area, as approved by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

Findings
of Fact

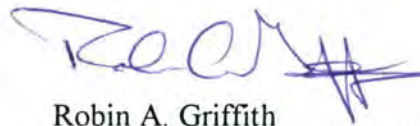
The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use is endorsed by the neighborhood and will add a heightened sense of community to the area.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 563 00
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Jones, to adjourn at 2:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council