

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE, NOVEMBER 2, 1999

Call to  
Order

The regular meeting of the Sussex County Council was held Tuesday, November 2, 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 607 99  
Approve  
Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, 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 608 99  
Approve  
Corrected  
Minutes

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to approve the corrected minutes of the previous meeting, dated October 26, 1999, which have been amended to reflect Mr. Jones' "Nay" vote for M 597 99.

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:

DELAWARE DEPARTMENT OF AGRICULTURE, DOVER, DELAWARE  
RE: Invitation to attend the 1999 Century Farm Awards Program to be held on Monday, November 8, 1999, at 11:00 a.m. at the Delaware Agricultural Museum and Village at 866 North DuPont Highway, Dover, Delaware, to honor Delaware

(Con't.)

farm families who have qualified for membership in the Century Farm Program.

M 609 99  
County  
Council  
Grant/  
Thanks-  
giving  
Dinner

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$700 from County Council Grants to the Church of God and Saints of Christ (located in Seaford, Delaware) for the 23<sup>rd</sup> Annual Thanksgiving Day Dinner which will provide approximately 2,000 people with Thanksgiving dinner.

Motion Adopted: 5 Yea.

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

Milton  
Library  
Bldg.  
Expansion  
Committee

Mr. Stickels distributed to Council a listing of the individuals who have been suggested to serve on the Milton Public Library Building Committee. Mr. Stickels reported that the County Council's adopted capital improvement plan includes a 5,000 square foot addition to the Milton Library. The State of Delaware has agreed to contribute \$268,000, which will have to be matched by the County. The total budget for the design and construction of the 5,000 square foot addition to the Milton library will be \$536,000.

M 610 99  
Approve  
Member-  
ship on  
Milton  
Library  
Building  
Expansion  
Committee

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve membership on the Milton Public Library Building Committee to include: Carol Fitzgerald, County Librarian; Mary Catherine Hopkins, Librarian for the Milton Library; Ann Porter (Sussex County Library Advisory Board); Jack Bushey (Mayor of Milton) or designee; Jose Saez (Milton resident and businessman); Nancy Rhue (President, Milton Friends) or designee; Brian Page (Sussex County Historic Preservation Planner); Brad Hawkes (Sussex County Engineering Department Representative); with ex-officio members to include Lynn J. Rogers (Sussex County Councilman) and Robert L. Stickels (Sussex County Administrator).

Motion Adopted: 5 Yea.

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

City of  
Seaford/  
Request  
to Waive  
Sheriff  
Fee

Mr. Stickels reported that a letter has been received from Dolores Slatcher, Seaford City Manager, in which the City of Seaford is requesting relief from the three percent fee that is charged by the County on the total selling price of a property that is bought at Sheriff's Sale. The City of Seaford recently bought 5 properties at Sheriff's Sale, and the total that the City is expected to pay as a result of this three percent fee is \$1,950. Mr. Stickels read 10 Del. Code, § 8702(e), which states "The fees of the Sheriff of Sussex County shall be established by ordinance of the governing body of Sussex County." Mr. Stickels mentioned that on March 23, 1999 the Council, by Ordinance, amended Chapter 62, Article IV, Section 62-15, of the Code of Sussex County to increase and add certain fees charged by the Sheriff of Sussex County. One of the resulting changes brought about by the amendments was that the least amount that would be charged at Sheriff's Sale for this 3 percent fee would be \$300, with a maximum of \$10,000. Mr. Bayard, County Attorney, advised the Council that if the Council intends their action to have municipal application Countywide, that their action should be done by Ordinance. Mr. Stickels reported that New Castle Council, other than the City of Wilmington, exempts municipalities from such a fee, but that Kent County does not. Mr. Bayard stated that it would take a motion to accommodate the City of Seaford's request, and also requested Council to include in its motion the direction to have an ordinance drafted to exempt municipalities Countywide, if the municipality is both the selling and buying party.

M 611 99  
Waive  
Sheriff  
Fee/  
City of  
Seaford/  
Authorize  
Drafting  
of Ord.

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to waive the 3 percent fee charged (\$1,950) by the County on the total selling price of the five properties purchased by the City of Seaford at Sheriff's Sale and to authorize the County's legal staff to draft an Ordinance to exempt all municipalities from this 3 percent fee.

Motion Adopted: 5 Yea.

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

Adminis-  
trator's  
Report

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

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

1. Carolling on The Circle

The Sussex County Council's Annual Food Drive, Carolling on The Circle, will take place on Monday, December 6, 1999. Once again, local celebrity Bunky Eye will be providing the entertainment. Numerous requests have been received to do a repeat performance of last year's program, at which time over 20,000 items of food were raised to help food pantries in the County. In addition to Mr. Eye's performance, Hispanic entertainers will also provide entertainment starting at 6:30 p.m.

Anyone needing additional information or wanting to coordinate the delivery of food items for the Carolling should contact Robin Griffith at 855-7743.

2. Strategies for State Policies and Spending

The comment period for Shaping Delaware's Future: Strategies for State Policies and Spending has been extended until November 29, 1999. Comments can be faxed to (302) 739-6958 or sent to the attention of David Hugg, State Planning Coordinator, Office of State Planning Coordination, Thomas Collins Building, Suite 7, 540 South DuPont Highway, Dover, Delaware 19901.

Members of the Sussex County Association of Towns will be meeting with the Cabinet Committee at 1:00 p.m. on Thursday, November 4, 1999, at the Millsboro Town Hall.

3. Delaware Art Educator of the Year 2000

Mr. Stickels publicly congratulated Kay Wood Bailey, Administrator for the Delaware Prison Arts Program. Ms. Bailey has been named Delaware Art Educator of the Year 2000. Sussex County Council participates in the Arts Program by providing funding to assist this activity.

Mr. Stickels also mentioned that Ms. Bailey is the sister of former County Engineer Robert Wood.

4. House Bill No. 425

Mr. Stickels included with his Administrator's Report a copy of House Bill No. 425. This act will permit local

(Con't.)

governments to appeal designations under the State Land Use Plan initially to the Advisory Panel on Intergovernmental Planning and Coordination, and then to Superior Court. This legislation was introduced on Thursday, October 28, 1999, by Senator Adams and Representatives Ewing and Lee. It is anticipated that this legislation will be voted on in January 2000.

5. County Government Closing

Sussex County government offices will be closed Thursday, November 11, 1999, to allow employees to observe Veterans' Day. Offices will reopen at 8:30 a.m. on Friday, November 12, 1999.

Old  
Business  
(C/Z No.  
1370)

Council discussed a 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.10 ACRES, MORE OR LESS" (Change of Zone No. 1370) filed on behalf of Henry T. Waring. On March 25, 1999, the Planning and Zoning Commission recommended that action be deferred and to leave the record open for comments from the Sussex County Engineering Department in reference to possible connection to the Sewer District. Council held a Public Hearing on April 13, 1999, at which time the Public Hearing was closed and action was deferred. It was the consensus of Council to hold the record open until July 7, 1999, for information from the Sussex County Engineering Department regarding possible connection to the sewer district and for a recommendation by the Planning and Zoning Commission. Written comments from the public would also be accepted until July 7, 1999.

The County Engineering Department's review of the application as part of the West Rehoboth Capacity Evaluation and Planning Study has been received and made a part of the record. The study revealed that adequate wastewater collection and transmission capacity is currently available for this project. The Public Hearing record was closed.

On October 14, 1999, the Planning and Zoning Commission discussed the application under Old Business and recommended approval.

M 612 99  
Adopt  
Ord. No.  
1349  
(C/Z No.  
1370)

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1349 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.10 ACRES, MORE OR LESS" (Change of Zone No. 1370) filed on behalf of Henry T. Waring.

Motion Adopted: 3 Yea; 2 Nay.

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

Findings  
of Fact  
C/Z No.  
1370

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

1. The applicant is proposing a change of zone from AR-1 to C-1 in order to erect a three-story chain motel or hotel, containing approximately 100 rooms, on the subject property.
2. The 1997 Sussex County Comprehensive Plan adopted October 21, 1999, at Page 7, and future zoning maps, places the property in the development district, and at Page 10, indicates that lands along Route 24 can be rezoned commercial to accommodate expanding commercial needs.
3. There has been a trend towards expansion of business use along Route 24 between Route 1 and Route 275. Indeed, the subject parcel is currently being utilized for a commercial use in that a Hudson Homes Sales Center for manufactured and modular homes has been located on such parcel, pursuant to a conditional use granted in 1995 and expanded in 1998.
4. The land use and development trends in the area allow this land to be an appropriate location for a commercial rezoning of land. This is demonstrated by the fact that there are at least seven (7) other commercial uses in existence, or approved, in the immediate vicinity on both sides of Route 24.

Findings  
of Fact/  
C/Z No.  
1370  
(Con't.)

5. The proposed location consolidates properties to be developed for business and business-related purposes so that it will be easier to supply infrastructure to these locations, rather than scattering commercial development outside of the development district.
6. The proposed location is already served by the current north entrance into the Rehoboth Mall, which has a traffic signal, for ingress and egress. The proposed location of the motel or hotel will have the advantage of diverting traffic away from the more heavily congested areas south on Route 1 and into Rehoboth Beach, since residents of the proposed motel or hotel can find abundant shopping, restaurant and entertainment facilities without going south on Route 1, and in some cases, without even leaving the Rehoboth Mall, to which they will have direct access.
7. The concentration of commercial locations in a segment of Route 24, which has been widened to three lanes immediately in front of the proposed site, is an appropriate use of existing infrastructure, and such infrastructure investment anticipated a commercial development of Route 24 between Route 1 and Route 275.
8. The application, in concert with other zoning applications, is causing the Department of Transportation (DelDOT) to implement needed improvements of infrastructure by planning to provide a by-pass or auxiliary local road, designed to assist traffic flows on Route 1.
9. The concentration of development, and the planning of development with appropriate infrastructure decisions by DelDOT, should operate to lessen congestion on public roads, and to avoid wasteful scattering of population, thereby lessening public investment in infrastructure to accommodate growth in eastern Sussex County.
10. Tidewater Utilities, which is the private water company which services both the proposed project and surrounding areas, has indicated that it has more than adequate capacity to service the proposed motel or hotel.

Findings  
of Fact/  
C/Z No.  
1370  
(Con't.)

11. The County Engineer has found that adequate wastewater collection and transmission capacity is currently available to the proposed project.
12. The proposed project will help meet the needs of affordable motel or hotel rooms in the Lewes-Rehoboth Beach resort areas of Sussex County.
13. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
14. The rezoning is in accordance with the 1997 Sussex County Comprehensive Plan, promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and the adoption of the rezoning ordinance is for the general convenience and welfare of the inhabitants of Sussex County.

Proposed  
Ordinance

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR EXPANSION OF AN EXISTING WATERPARK AND MINIATURE GOLF (AMUSEMENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 38.45 ACRES, MORE OR LESS" (C/U No. 1319) filed on behalf of FunSport, Inc. The Proposed Ordinance will be advertised for a Public Hearing.

Proposed  
Ordinance

Mr. Phillips introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND AND TRAILER SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 51.42 ACRES, MORE OR LESS" (C/U No. 1318) filed on behalf of Wayne Cropper. The Proposed Ordinance will be advertised for a Public Hearing.

M 613 99  
Council-  
manic  
Grant/  
Sussex  
Family  
YMCA

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$250 from Mr. Cole's Councilmanic Account to the Sussex Family YMCA for their Campaign for Kids.

Motion Adopted: 5 Yea.

M 613 99  
(Con't.)

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

M 614 99  
Council-  
manic  
Grant/  
Sussex  
Tech  
Cheer-  
leading

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$500 (\$100 from each Councilman's Councilmanic Account) to Sussex Tech Cheerleading for their participation in the 2000 Citrus Bowl in Florida from December 28, 1999 through January 2, 2000.

Motion Adopted: 5 Yea.

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

Request  
for  
Funds/  
Boys &  
Girls  
Club

Mr. Dukes brought before Council a request for funding in the amount of \$3,000 from the Western Sussex Boys & Girls Club. It was the consensus of the Council to consider this funding request when Human Service Grants are awarded for Fiscal Year 2000.

Concerns  
of  
Councilman  
Rogers/  
Enforce-  
ment of  
County  
Ords. &  
Regula-  
tions

Mr. Rogers expressed his concern and frustration in what appears to be the County's lack of power to enforce County ordinances in zoning matters, specifically in cases that involve manufactured housing. On numerous occasions, he has been contacted by constituents concerning these types of zoning violations. He also thanked and complimented the County's Planning and Zoning inspectors for their timely assistance in these matters. Mr. Rogers stated that in some cases individuals are not aware of a particular zoning regulation; however, all too often, because of the County's lenient fine structure, there is no incentive for individuals to comply. In many cases when an habitual or uncooperative violator is pursued by the County through the legal system, all too often the matter ends up not being enforced by the Courts. Mr. Bayard stated that the current ordinance does not have sufficient sting to make an impression, and that it would be useful if the County adopted an ordinance which said that no fines under this sanction shall be subject to waiver or suspension. Several Council members expressed their appreciation for the current workload and job performance of the County's inspectors and constables.

(Con't.)

Mr. Stickels will report back to the Council in the near future as to the various options that may be available to the Council to improve the County's enforcement capabilities.

Councilman  
Rogers/  
State's  
Increasing  
Authority  
Regarding  
Land Use  
Issues

As a result of State Planning Coordinator David Hugg's appearance before Council last week, Mr. Rogers mentioned that he has been contacted by constituents who have expressed their concern that the County's authority and voice is lessening more and more with the State regarding land use activities.

M 615 99  
Recess

At 11:10 a.m., a Motion was made by Mr. Rogers, seconded by Mr. Dukes, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

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

Public  
Hearing  
(C/U No.  
1308)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUCTION BUILDING TO BE USED TO SELL FURNITURE, HOUSEHOLD ITEMS, FARM MACHINERY, CARS, BUSINESS EQUIPMENT AND ESTATES SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.079 ACRES, MORE OR LESS" (Conditional Use No. 1308) filed on behalf of Joseph C. O'Neal, Randall E. O'Neal and Andrew J. O'Neal. The Planning and Zoning Commission recommended approval of this application on October 14, 1999. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 616 99  
Adopt  
Ord. No.  
1350  
(C/U No.  
1308)

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to Adopt Ordinance No. 1350 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUCTION BUILDING TO BE USED TO SELL FURNITURE, HOUSEHOLD ITEMS, FARM MACHINERY, CARS, BUSINESS EQUIPMENT AND ESTATES SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.079 ACRES, MORE OR LESS" (Conditional Use No. 1308) filed on behalf of Joseph C. O'Neal, Randall E. O'Neal, and Andrew J. O'Neal, with the following conditions:

M 616 99  
(Con't)

- (1) The use of the property shall be for auction sales for furniture, household items, farm machinery, cars, business equipment and all other items that can be legally sold at a public sale.
- (2) The property shall be fenced in with six foot high fencing with entrance gates on Delaware Route 24 and U.S. Route 13.
- (3) Two lighted on-premise ground signs may be permitted. The signs shall not exceed one hundred fifty (150) square feet per side or facing. Only one sign shall be permitted along each road frontage. The building shall be allowed to have a sign affixed to it.
- (4) Public business hours may be conducted seven days a week from 8:30 a.m. until midnight Monday through Saturday, with Sunday hours from 9:00 a.m. until 11:00 p.m.
- (5) Development of the property shall conform to all County and State erosion and sedimentation control and stormwater management regulations.
- (6) The final site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.
- (7) No animals shall be sold.
- (8) No outside storage of any items for more than two weeks shall be permitted.
- (9) No outside loud speakers shall be permitted on the building.
- (10) Security lighting shall be provided. Lighting shall be arranged and installed to minimize glare on neighboring properties and Route 13 and Route 24.
- (11) The required parking area shall be improved with a two-inch crusher run surface as a minimum.

Motion Adopted: 4 Yea; 1 Not Voting.

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

Findings  
of Fact  
(C/U No.  
1308)

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

1. The applicants established by substantial evidence that the proposed use will enable a long-established successful business to grow in an area appropriate for commercial development, 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.  
1309)  
Action  
Deferred

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 RADIO/TV SERVICE AND FUTURE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 43,506 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1309) filed on behalf of John and Michele Mintzer. On October 14, 1999 the Planning and Zoning Commission deferred action so the County Attorney or the applicant's attorney could verify if there were any deed restrictions prohibiting the use. The Commission discussed the application under Old Business on October 28, 1999 and were informed by a letter from an attorney on behalf of the applicant that there were no deed restrictions which would prohibit the applicant's proposed use, and the Commission recommended approval. There were no public comments in support of or in opposition to this application. The Public Hearing was closed and County Council deferred action to give members the opportunity to visit the property and surrounding neighborhood.

Public  
Hearing  
(C/U No.  
1311)

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 STOCKYARD AND SLAUGHTER HOUSE AND PROCESSING OF LIVESTOCK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 17.70 ACRES, MORE OR LESS" (Conditional Use No. 1311) filed on behalf of S & J Villari Livestock. The Planning and Zoning Commission recommended approval of this application on October 14, 1999. Public

(Con't)

comments were heard with one person stating that he was in favor of the application; and one area resident stated that he does not have any problems with the proposed use as long as the use is operated as it is now within the enclosed building, that the area is residential, that the operation may continue to grow, that no truck traffic be allowed on Road 415A, and questioned the difference between custom and commercial slaughtering. The Public Hearing was closed.

M 617 99  
Adopt  
Ord. No.  
1351  
(C/U No.  
1311)

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt Ordinance No. 1351 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STOCKYARD AND SLAUGHTER HOUSE AND PROCESSING OF LIVESTOCK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 17.70 ACRES, MORE OR LESS" (Conditional Use No. 1311) filed on behalf of S & J Villari Livestock, subject to the following conditions:

- (1) All construction relating to the slaughter house operations shall be within the existing building.
- (2) No truck traffic shall utilize Road 415A.
- (3) The maximum number of animals processed in the slaughterhouse shall not exceed 26,000 per year.
- (4) There shall be no Sunday business hours.

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  
(C/U No.  
1311)

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 agricultural industry in the area and will provide Sussex County with an animal slaughterhouse available to the farming community and the consuming public, in a rural, remote agricultural area, without adverse impact of any sort.

(Con't.)

2. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of facts and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing  
(C/Z No. 1387)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 36,035 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1387) filed on behalf of David C. Blackwell. The Planning and Zoning Commission recommended approval of this application on October 14, 1999. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 618 99  
Adopt  
Ord. No. 1352  
(C/Z No. 1387)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1352 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 36,035 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1387) filed on behalf of David C. Blackwell.

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  
(C/Z No. 1387)

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 marks a down zone to a less intensive or impactive zone, a change consistently endorsed by Council in the past.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.

(Con't.)

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

Proposed  
Human  
Service  
Grants  
for FY  
2000

Mr. Stickels distributed to Council copies of the proposed Sussex County Council Human Service Grant requests and funding recommendations for Fiscal Year 2000. Mr. Stickels would like Council to review these recommendations and stated that this item will be placed on next week's agenda.

M 619 99  
Council  
Grant/  
Indian  
River  
Baseball  
Boosters

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$200 (\$100 each from Mr. Cole's and Mr. Phillips' Councilmanic Accounts) to the Indian River Baseball Boosters to be used to purchase new uniforms and replace equipment for the Indian River High School baseball team.

Motion Adopted: 5 Yea.

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

M 620 99  
Adjourn

At 2:48 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

*Nancy Cordrey*

Nancy J. Cordrey

Assistant Clerk of the County Council