

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 20, 1999

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, July 20, 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
Dale R. Dukes	Member
George B. Cole	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 352 99            A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the  
Approve            Agenda, as presented.  
Agenda

Motion Adopted: 4 Yea, 1 Absent.

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

M 353 99            A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the  
Approve            minutes of the previous meeting, dated July 13, 1999.  
Minutes

Motion Adopted: 4 Yea, 1 Absent.

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

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.

RE: Amendments to the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF WATER RESOURCES, DOVER, DELAWARE.

Corre-  
spondence  
(continued)

RE: Legal Notice of applications filed with the Wetlands and Subaqueous Land Section.

JOHN THEOFILES, SKYWATCH ELECTRONICS, DELMAR, DELAWARE.

RE: Letter in appreciation of Council's support of the Laurel Fireworks display.

L. RUSSELL MOLNAR, PRESIDENT, WICOMICO COUNTY, MARLAND.

RE: Letter regarding meeting held at Wallops Island on Friday, June 11, 1999.

Mr. Cole joined the meeting at this time.

Youth  
Activity  
Assistance  
Program

Mr. Stickels presented proposed guidelines for a Youth Activity Assistance Program, as follows:

1. Funding for this program is established each budget year. All funding amounts are maximum awards for this funding source. Individual Councilmen may supplement this funding with their own Councilmanic funding.
2. Adult teams are not eligible for this funding source.
3. Individual leagues are eligible for \$750 per budget year.
4. Teams not associated with a league with members from multiple communities are eligible for \$500 per year.
5. Leagues sponsoring district tournaments are eligible for \$500 per year. Leagues are limited to one district tournament grant per year.
6. Teams playing in district tournaments out-of-state are eligible for \$500 per year. Teams are limited to one district tournament grant per year.
7. Leagues sponsoring regional tournaments are eligible for \$2,000 per year. Leagues are limited to one regional grant per year.
8. Teams playing in regional tournaments out-of-state are eligible for \$750 per year. Teams are limited to one regional grant per year.
9. Leagues sponsoring a World Series tournament are eligible for \$2,000 per year. Leagues are limited to one World Series sponsorship grant per year.
10. Teams playing in a World Series are eligible for \$1,000 per year. Teams are limited to one World Series grant per year.

Youth  
Activity  
Assistance  
Program  
(continued)

11. Towns with youth activity programs are eligible for a grant of \$1,000 per year.
12. Youth educational programs taking place in-state are eligible for \$250 per year, out-of-state educational programs are eligible for \$500 per year, and out-of-country \$750 per year. Youth organizations are limited to one grant per year.
13. All awards are on a first-come, first-served basis. Budget amounts will not be exceeded. It is the goal of this program to distribute the funding equally between Councilmanic Districts.
14. Applicants requesting funding will appear before the County Council.

Mr. Stickels advised that funding in the amount of \$20,000 was allocated in the FY '2000 Budget for this Program; \$4,000 for each Councilmanic District. Under this program, requests are to be made to Council, in writing, after which time a date will be set for the requesting organization to appear before Council.

M 354 99  
Adopt  
Youth  
Activity  
Assistance  
Program

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Youth Activity Assistance Program.

Motion Adopted: 5 Yea.

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

Any organizations that have requests pending will be advised that they will have to appear before Council, as stipulated in the guidelines of the new program.

Inter-  
governmental  
Coordination  
Agreement

Mr. Stickels presented, for Council's consideration, two versions of the Policy entitled "A POLICY CREATING AN INTERGOVERNMENTAL COORDINATION AGREEMENT"; a version recommended by the Land Use Advisory Committee and a version recommended by SCAT (Sussex County Association of Towns). This Policy will enable the County to develop an Intergovernmental Coordination Agreement wherein land use decisions can be coordinated between the Municipalities and the County.

Mr. Stickels advised that participation by the Municipalities will be on a voluntary basis; however, all the Municipalities have been contacted and have expressed that they are in favor of the Policy.

Inter-governmental Coordination Agreement (continued)

Mr. Cole questioned how the process will work when the County is requested to comment on an issue in a Municipality. It was decided that local issues will be commented on by the Councilman for that particular district; regional issues will be commented on by the entire Council.

Mr. Bayard emphasized that the Agreement contains language that upholds the legislative power of both the County and the Municipalities.

M 355 99  
Adopt Inter-governmental Coordination Agreement

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt the Policy entitled "A POLICY CREATING AN INTERGOVERNMENTAL COORDINATION AGREEMENT", as endorsed by the Sussex County Association of Towns (SCAT).

Motion Adopted: 5 Yea.

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

Land Use Advisory Committee

Mr. Phillips expressed his disappointment that the recommendations of the Land Use Advisory Committee were not included in the Agreement, as adopted. Mr. Phillips requested that letters of appreciation be sent to the members of the Land Use Advisory Committee for the donation of their time and effort in the development of the Intergovernmental Coordination Agreement.

State Planning Coordinator

Mr. David Hugg, State Planning Coordinator, expressed his appreciation for the involvement of County officials and staff in the intergovernmental coordination effort.

Specialized Transportation Program

Mr. Stickels discussed the Specialized Transportation Program; a Program providing funding to the senior centers. In the past, this Program has been funded solely by the Delaware General Assembly through the Grant-in-Aid package and every year, funding requests from the senior centers have exceeded the funding made available by the General Assembly. At the request of Representative Price and Senator Bunting, the Sussex County Council was asked to consider providing additional funding for this Program. The County Council authorized funding in an amount up to \$45,000 in the Fiscal '2000 Budget contingent on matching funds from the General Assembly. Mr. Stickels advised that the entire \$45,000 will not be needed. Total funding requested for FY' 2000 is \$650,170; the State has appropriated \$611,849 leaving the County's contribution at \$38,321.

Mr. Stickels presented the distribution of funding for the Sussex County Specialized Transportation Program, as follows:

Specialized Transportation Program (continued)	<u>Sussex County Agency</u>	<u>State Funding</u>	<u>County Funding</u>	<u>Total Funds</u>
	CHEER	\$433,984	\$23,921	\$457,905
	Easter Seal	39,027	171	39,198
	Cape Henlopen	35,664	1,136	36,800
	Indian River	2,100	0	2,100
	Laurel	50,503	11,065	67,568
	Lewes	16,000	0	16,000
	Nanticoke	<u>28,571</u>	<u>2,028</u>	<u>30,599</u>
	<b>Total Funding</b>	<b><u>\$611,849</u></b>	<b><u>\$38,321</u></b>	<b><u>\$650,170</u></b>

Mr. Stickels advised that this will be the first time the agencies will be funded 100 percent.

M 356 99  
 Authorize Distribution of Funds/ Specialized Transportation Program

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to authorize the distribution of funds for the Specialized Transportation Program for FY '2000, 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

Administrator's Report

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

1. Paramedic Program

Delaware Technical and Community College's EMT Paramedic Technology Program is accepting students for the fall semester. This is a fully accredited two-year associate degree that was developed in response to the State's need for a formalized, tuition-based training system to provide a qualified pool of candidates for paramedic vacancies throughout Delaware. Students may take first year related courses at the Wilmington Campus, the Terry Campus in Dover, or the Jack F. Owens Campus in Georgetown. Fall classes begin Monday, August 23, 1999. For more information, call Jay Littleton at 856-5400 in Georgetown.

2. Sussex County Senior Services, Inc.

Please be advised that I have given permission to Sussex County Senior Services, Inc., to transfer the following funds in their FY '99 transportation budget: \$3,225 from Fuel and Oil, \$1,010 from Insurance, \$222 from Utilities, Overhead, and \$2,600 from Other Expenses, totaling \$7,057. Funds were transferred to: \$5,395 into Vehicle Maintenance,

Adminis-  
trator's  
Report  
(continued)

\$242 into Volunteer Transportation, \$1,000 into Purchased Transportation, and the balance of \$420 into Drivers' Wages. These transfers were necessary to cover expenses incurred over the original budgeted amounts. However, Sussex County Senior Services, Inc., did not exceed their FY '99 allotment of \$385,859.

CHEER transportation provided 110,949 trips in FY '99. This is a 15 percent increase over FY '98, when they had 96,763 trips.

Road  
Naming  
Program

Mr. Norwood, Supervisor of Mapping and Addressing, distributed a list of Proposed Road Name Changes dated July 20, 1999, that would, upon adoption, take place without cost to the residents. The list, attached to and made a part of these minutes, consisted of 37 proposed road name changes. Two amendments to the list were suggested; the deletion of No. 22 and a correction to No. 24 changing "Gov" to "Gov."

M 357 99  
Adopt  
Road  
Name  
Changes

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt the list of Proposed Road Name Changes, dated July 20, 1999, 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

Road  
Naming  
Program  
(continued)

Mr. Norwood requested permission to make road name changes without Council's approval if the road name change is the result of a spelling error. There were no comments from Council in opposition to this request.

Mr. Phillips and Mr. Dukes commented that signs are just now beginning to go up in their Districts and they foresee Council having to consider road name changes without fees as they have done in the other three districts.

Mr. Stickels reiterated that the County will accept road name change requests until August 31, 1999, if the following guidelines are met and agreed upon: (1) 90 percent of the residents must sign a petition in support of the road name change, (2) a \$25.00 non-refundable application fee must be paid, and (3) if the road name change is approved, a fee to cover the cost of a new road sign must be paid by the residents. A Public Hearing will held on September 21, 1999, to consider all the requests received.

Proposed  
Procedure  
for  
Requesting  
Road  
Name  
Changes

Mr. Norwood reviewed the Proposed Procedure for Requesting Road Name Changes that would go into effect on September 1, 1999. It was noted that several changes have been made to the Proposed Procedure since the July 13, 1999, meeting. The changes made were requested by Council, as follows: (1) the number of signatures required on a petition to change a road name was changed from 51 percent to 75 percent, and (2) the amount of the non-refundable application fee was changed from \$175.00 to \$100.00.

## Proposed Road Name Changes

7/20/99

1. Road 209 – Beaver Dam Rd from 36 to 209A  
Runs on one side of Route 1
2. Road 209 – Bucks Rd from 206 to 210  
Runs on opposite side of Route 1
3. Road 224 – Pine Haven Road from 1 to 30  
Originally requested was confused with Brick Granary Road
4. Road 216A - Brick Granary Road from 224 to 217  
Originally proposed road numbers did not correspond with request
5. Road 217 – Brick Granary Road from 216A to 1  
Originally proposed road numbers did not correspond with request
6. Road 257 – Round Pole Bridge Rd from 88 to 258  
Originally proposed but not defined correctly
7. Road 275 – Plantation Road from 285B to 24  
Road when originally named did not have a stop sign separating roads 285 and 275. Now stop sign has been placed.
8. Road 277 – Robinsonville Road from 275 to 24  
Misspelled
9. Road 285 - Beaver Dam Road from 285B to 5  
Results of changes of 275
10. Road 313A – Downs Landing Road from 310A to 313  
Originally requested was confused with nonexistent road of 313B
11. Road 408 – Indian Town Road from 82 to 410  
Spelling – originally Injun Town
12. Road 449 – Trap Pond Road from 24 to 72  
Originally requested by Laurel Fire Department and residents changed due to perceived conflict with road 62 road 449 actually leads to Trap Pond
13. Road 62 – East Trap Pond Road from 113 to 24  
Renamed to eliminate redundancy with road 449
14. Road 629 - Staytonville Road from 613 to 36  
Road 629 is currently named Staytonville Road this is a small section of the same road that was missed
15. Road 633 – Griffith Drive from Kent County to 620

Road 633 was originally named Griffith Lake Drive the purpose for this change is to stay consistent with Kent County's name for this road

16. Road 248A – Webb Road from 30 to 249  
Just off Road 249
17. Road 291 – Martins Farm Road from 5 to 262
18. Road 16B – N Bayshore Drive – from 16 to North end of road
19. Route 16 – Ellendale-Greenwood Highway from 113 to 13
20. Route 16 – Milton-Ellendale Highway from 5 to 113
21. Route 16 – Broadkill Road from 5 to Broadkill
- ~~22. Route 1 – Highway One – all~~
23. Route 9 – Lewes-Georgetown Highway from 13 to 113
24. Road 432 - Gov. Stockley Road from 20 to 318
25. Road 409 - Mumford Road from 24 to 408
26. Road 504 - Providence Road from Maryland line to 54
27. Road 444A - Waller Road from 46 to 446
28. Road 288 - Willis Road from 280B to 287
29. Road 527 – Wilson Hill Road from 113 to 404
30. Road 594 – Webb Farm Road from 16 to 42
31. Road 603 – Gum Branch Road from 16 to 594
32. Route 5 – Harbeson Road from 9 to 48
33. Route 5 – Indian Mission Road from 48 to 24
34. Road 42 – Chaplains Chapel Road from 18 to 596  
Misspelled
35. Road 389 - Johnson Rd from 382A to 390
36. Road 390 - Johnson Rd from 389 to 54

37. Road 549B – Oak Grove Road from Maryland Line to 549

- M 358 99  
Adopt  
Procedure  
for  
Requesting  
Road  
Name  
Changes
- A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Procedure for Requesting Road Name Changes, as presented on July 20, 1999, to become effective September 1, 1999.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea
- Public  
Hearing/  
Bethany  
Beach  
Sanitary  
Sewer  
District  
Extension/  
Southampton  
and Green  
Acres and  
Adjacent  
Lands
- A Public Hearing was held on the extension of the boundary of the Bethany Beach Sanitary Sewer District to encompass Southampton Subdivision, Green Acres Subdivision and adjacent lands, lying contiguous to the Bethany Beach Sanitary Sewer District, situate south of the Town of Ocean View and being in Baltimore Hundred. Mr. Archut advised that notices were posted on June 30, 1999. Mr. Archut advised that letters were sent to three property owners on the adjacent lands and, to date, no response has been received. Mr. Archut recommended that the record remain open until the close of business on Monday, July 26, 1999, for the purpose of giving these property owners additional time to respond as to whether or not they are interested in being included in the sewer district. Public comments were heard. Mr. Troublefield, one of the three adjacent property owners, spoke in favor of being included in the sewer district. Mr. Bob Orem spoke in regards to the low front footage cost. The Public Hearing was closed and the record was left open until the close of business on July 26, 1999.
- Sewer  
Costs
- Mr. Cole emphasized the necessity of the County continuing to strive to keep sewer costs down. He stated that the low costs, as outlined for this proposed extension, reflect what sewer rates should be in other districts. Mr. Cole asked Mr. Orem to establish a working group within the Sussex County Association of Towns (SCAT) for the purpose of researching ways to reduce sewer rates.
- Assignment  
of Lease/  
Atlantic  
Industrial  
Optics, Inc.
- Mr. Calio, Director of Economic Development and Industrial Airpark, discussed an Assignment of Lease for Atlantic Industrial Optics, Inc. at the Sussex County Industrial Airpark. Mr. and Mrs. Richard Vanderhook are purchasing Atlantic Industrial Optics, Inc. from the current tenants, Mr. and Mrs. Robert Vanderhook. An Assignment of Lease must be approved and executed for this sale to take place. Mr. Calio emphasized that this is a change of ownership only; all other terms and conditions will remain the same.
- M 359 99  
Approve  
Assignment  
of Lease
- A Motion was made by Mr. Rogers, seconded by Mr. Dukes, that the Sussex County Council approves the assignment of the remaining leasehold interest in and to the Lease Agreement between Sussex County Council (Landlord) and Robert and Eleanor Vanderhook (Tenant) to Richard and Heidi Vanderhook.

M 359 99  
(continued)

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/  
Security  
Guard  
Services

Mr. Calio, Director of Economic Development and Industrial Airpark, and Mr. Baker, Finance Director, reported on the bid results for Security Guard Services at the Industrial Airpark, as follows:

Colonial \$10.87 per hour  
\$16.31 for overtime and holidays  
\$1.13 per hour for a patrol vehicle

Bennett \$9.25 per hour  
\$15.50 per day for patrol car  
time and 1/2 for holiday work

Bennett Security is the current provider of this service. Their contract expires in August, 1999.

The bids will be reviewed for a recommendation.

Proposed  
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (26 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 28.57 ACRES, MORE OR LESS" (Conditional Use No. 1306) filed on behalf of DMV Partnership. The Proposed Ordinance will be advertised for Public Hearing.

MOU/  
Delaware  
Army  
National  
Guard

Mr. Archut, Assistant County Engineer, discussed a proposed Memorandum of Understanding between Sussex County and the Delaware Army National Guard. The Delaware Army National Guard is currently building the Dagsboro Readiness Project and wishes to obtain sanitary sewer service from Sussex County's wastewater system. Mr. Archut advised that in order to annex this area into the Dagsboro-Frankford Sanitary Sewer District, the Delaware Army National Guard and the County must enter into a Memorandum of Understanding obligating the Delaware Army National Guard to pay the same charges as the users of the sewer district.

M 360 99  
Execute  
MOU/  
National  
Guard

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the Sussex County Council President is authorized to execute a Memorandum of Understanding with the Delaware Army National Guard, to allow connection of the Dagsboro Readiness Project to the County's sewer system, as presented on July 20, 1999.

M 360 99  
(continued)

Motion Adopted: 5 Yea.

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

Post  
Notices

Mr. Archut, Assistant County Engineer, advised that notices need to be posted in order to proceed with the annexation process of the Delaware Army National Guard.

M 361 99  
Authorize  
Notices  
to be  
Posted/  
DFSSD  
Extension/  
National  
Guard

A Motion was made by Mr. Rogers, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District boundary to include the Delaware Army National Guard, as presented on July 20, 1999.

Motion Adopted: 5 Yea.

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

Old  
Landing  
Water/  
Project  
Closeout

Mr. Green, Director of Utility Construction, reported on the Project Closeout for Old Landing Water. This project was a result of wells being damaged during the construction of the West Rehoboth Sanitary Sewer Project. The State of Delaware granted \$250,000 for the project with any money left over to be used for the hook-ups of the residences. Mr. Green reported that the work has been completed; the project came in with a connection fee of \$251,000. Tidewater Utilities, Inc. has agreed to accept \$250,000, an amount previously approved by Council. Following settlement, Tidewater Utilities, Inc. will operate and maintain the system.

M 362 99  
Authorize  
Final  
Payment to  
Tidewater  
Utilities/  
Old  
Landing  
Water  
Project

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that all work associated with the Water Service Agreement with Tidewater Utilities, Inc., dated January 20, 1998, has been completed and therefore final payment will be made in the amount of \$250,000 to Tidewater Utilities, Inc.

Motion Adopted: 5 Yea.

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

M 363 99  
Council-  
manic  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$475.00, \$375.00 from Mr. Dukes' Councilmanic Account and \$100.00 from Mr. Phillips' Councilmanic Account, to the Town of Laurel for Christmas decorations.

M 363 99  
(continued)

Motion Adopted: 5 Yea.

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

M 364 99  
Council-  
manic  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$500.00 from Mr. Jones' Councilmanic Account to the Apple Scapple Festival for sponsorship of the annual event.

Motion Adopted: 5 Yea.

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

M 365 99  
Council-  
manic  
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$250.00 from Mr. Jones' Councilmanic Account to the Cokesbury Church Trustees for renovations.

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/  
Large  
Scale  
Commercial  
Develop-  
ment

Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO DEVELOPMENT IN THE C-1 GENERAL COMMERCIAL ZONING DISTRICT, AND THE B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT, TO ADD A NEW PROVISION RELATING TO LARGE SCALE COMMERCIAL USES, TO AMEND THE PROVISIONS RELATING TO OFF-STREET PARKING AND OFF-STREET LOADING, TO AMEND SETBACK PROVISIONS, AND TO BRING OTHER PROVISIONS OF CHAPTER 115 IN CONFORMITY WITH THESE AMENDMENTS". A Public Hearing was held on this Proposed Ordinance on February 2, 1999, at which time amendments were discussed; no action was taken. The Proposed Ordinance was discussed by Council again on May 4, 1999, and action was deferred.

The Planning and Zoning Commission has recommended approval of the Proposed Ordinance, as amended. There was a consensus of the Commission that all references to "should" be changed to "shall", that all references to "major thoroughfare" and "principal highway" refer to the Subdivision Ordinance; that the infrastructure reference in 115-77.1 reference existing infrastructure or infrastructure under construction; that Subsection B, under 115-166.1 be deleted; that Subsection C under 116-166.1 reference sixty parking spaces, and that the minimum island sizes be deleted, and the wording

Proposed  
Ordinance  
(continued)

altered to reference that landscape islands will be required, but design and layout will be subject to review and approval by the Commission, and that collector drives be separated from parking drives by landscaped islands; and that the side yard setback reference in 115-170.1C(2)(A) be changed to thirty feet.

Council reviewed the Proposed Ordinance and recommended the following amendments thereto:

Section 4. 115-77.1 A.

Delete words requiring that such uses shall have access to a major arterial roadway. (The requirement that the use shall be adjacent to a major arterial roadway will remain in effect.)

Section 4. 115-77.1 C.

Change wording in the second paragraph to read that “Access from roadways shall be kept to a minimum and shall encourage...”.

Section 4. 115-77.1 D

Change wording in paragraph four to read that “Cross access easements and interconnections shall be provided to adjoining sites for vehicular and pedestrian traffic.

Section 5. 115-166.1 B.

Change wording in first paragraph, first sentence to “A minimum of one (1) landscaped island shall be required once 25 single or 25 double spaces have been exceeded.”.

Add the following wording at the end of the first paragraph “and shall be designed and maintained for safe pedestrian access and movement.”.

M 366 99  
Adopt  
Ordinance  
No. 1328

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1328 entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO DEVELOPMENT IN THE C-1 GENERAL COMMERCIAL ZONING DISTRICT, AND THE B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT, TO ADD A NEW PROVISION RELATING TO LARGE SCALE COMMERCIAL USES, TO AMEND THE PROVISIONS RELATING TO OFF-STREET PARKING AND OFF-STREET LOADING, TO AMEND SETBACK PROVISIONS, AND TO BRING OTHER PROVISIONS OF CHAPTER 115 IN CONFORMITY WITH THESE AMENDMENTS”.

Motion Adopted: 5 Yea.

M 366 99  
(continued)

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

M 367 99  
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adjourn at 12:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council