

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 15, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 15, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Susan M. Webb	Finance Director
Everett Moore	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 021 13
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting “Job Applicants’ Qualifications”, “Personnel” and “Pending/Potential Litigation” under “Executive Session”; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of January 8, 2013 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

NATIONAL MULTIPLE SCLEROSIS SOCIETY.

RE: Letter in appreciation of grant.

MASON DIXON WOODWORKERS.

RE: Letter in appreciation of grant.

PEOPLE’S PLACE.

RE: Letter in appreciation of grant.

COUNCILWOMAN JOAN DEAVER.

RE: Memo regarding the Greater Lewes Community Village’s concept of an organization that is designed to assist senior citizens to age in their

(continued) homes and the organization's request for a Councilmanic Grant, which is on the Council's Agenda on this date.

Finance Director Mr. Lawson referenced Susan M. Webb's announcement of her retirement in December; Mrs. Webb (Finance Director) will be leaving the County in May 2013 after 20 years of dedicated service. Mr. Lawson announced that the County Council is authorized to appoint the Finance Director, per Delaware and County Codes. Mr. Lawson recommended the appointment of Gina Jennings as the Finance Director Appointee to serve alongside Mrs. Webb until her retirement in May, after which time Mrs. Jennings will become the County's Finance Director. Mrs. Jennings has worked for the County for nearly 6 years and is currently the Director of Accounting.

M 022 13 Approve Gina Jennings as Finance Director A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves Mrs. Gina Jennings as the Finance Director Appointee, effective January 15, 2013, to serve in such capacity until the retirement of Mrs. Susan M. Webb, and at such time will serve as the County's Finance Director.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

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

1. **Martin Luther King, Jr., Holiday**

County offices will be closed on Monday, January 21, 2013, for the Martin Luther King, Jr., holiday. Offices will reopen on Tuesday, January 22nd at 8:30 a.m., and the County Council will have its regularly scheduled meeting at 10:00 a.m.

2012 Private Activity Bond Volume Cap Allocation Mrs. Webb reported that correspondence has been received from the Department of Finance, State of Delaware, requesting that any portion of the 2012 Private Activity Bond Volume Cap Allocation in the amount of \$28,455,000 assigned to Sussex County, which will not be allocated either to a qualified project or identified as eligible for carry-forward, be reassigned to the State for reallocation to the Delaware Economic Development Authority. This request is made annually to allow the State to maximize usage of its Private Activity Bond Volume Cap.

Mrs. Webb reported that, during 2012, the County did not have any projects apply for the Volume Cap funding.

M 023 13 A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves the reassignment of the 2012 Private Activity Bond Volume Cap in the amount of \$28,455,000 to the State of Delaware.

**M 023 13
Reassign
Volume
Cap/2012
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Wastewater
Agreement**

Hal Godwin, Deputy County Administrator, presented for the Council's consideration a Wastewater Agreement for Barrington Park (aka Bishop's Landing) located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

**M 024 13
Approve
Wastewater
Agreement/
Barrington
Park**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 733-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement, between Sussex County Council and Dove Barrington Development, LLC, for wastewater facilities to be constructed in Barrington Park (aka Bishops Landing), located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Airport
Advisory
Committee
Appoint-
ments**

Michael Izzo, County Engineer, discussed annual appointments to the Sussex County Airport Advisory Committee. Mr. Izzo proposed that the following members of the public serve on the Committee in 2013:

One Representative of the Fixed Base Operator Garrett Dernoga

One Non-Commercial Airport Tenant Larry Kelly

One Commercial Airport Tenant Jeff Reed

**Two Airport-Based Aircraft Owners Rick Garner
Gus Croll**

One Industrial Park Tenant Representative Mark Ryan

One Representative At-Large Richard Wilson

[Sam Wilson serves on the Committee as the County Council Representative.]

Mr. Izzo noted that the categories of membership are established by the Bylaws of the Committee.

**Appoint-
ments
(continued)**

Mr. Izzo noted that it is being recommended that Gus Croll replace Bob Young on the Committee as Mr. Young does not wish to continue to serve. Mr. Young served as one of the Airport Based Owners but sold his aircraft during 2012.

**M 025 13
Appoint
Airport
Advisory
Committee
Appoint-
ments**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, that the Sussex County Council appoints the following members to serve on the Airport Advisory Committee for 2013: Garrett Dernoga – Fixed Base Operator, Larry Kelley – Non-Commercial Tenant, Jeff Reed – Commercial Tenant, Rick Garner – Airport Based Owner, Gus Croll – Airport Based Owner, Mark Ryan – Industrial Park Tenant, and Richard Wilson – At Large.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Mrs. Deaver commented that she would like to see more At-Large members on the Committee.

Mr. Izzo stated that the By-Laws will be reviewed in 2013 to consider expanding the At-Large membership.

Mr. Wilson noted that the Committee's meetings are open to the public.

**Old
Business/
C/U
No. 1945**

Under Old Business, the Council considered Conditional Use No. 1945 filed on behalf of Alfonso Matos.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on September 20, 2012 at which time action was deferred. On October 11, 2012, the Commission recommended that the application be denied.

The County Council held a Public Hearing on this application on October 9, 2012 at which time action was deferred for submission of proposed conditions by the Applicant. The Planning and Zoning Department received a letter from the Applicant on October 12, 2012 outlining suggested conditions; the document was forwarded to the Council members. On December 11, 2012, the Council discussed this application under Old Business and deferred action again; on that date, the Council asked Mr. Lank to prepare suggested Findings of Fact and suggested Conditions of Approval.

Mr. Lank read the suggested Findings of Fact and Proposed Conditions, as follows:

- 1. This is an application to consider the Conditional Use of land in an**

**Old
Business/
C/U
No. 1945
(continued)**

AR-1 Agricultural Residential District for a small storage facility to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 14,964 square feet, more or less, lying southwest of Route 20 (Concord Road) 392 feet southeast of Haven Drive, the entry into Broad Acres Subdivision, approximately 1.0 mile east of U.S. Route 13.

- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service “C” of Route 20 will not change as a result of this application.**
- 3. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard area or tax ditch is affected; and that it is not likely that it will be necessary for any on-site or off-site drainage improvements.**
- 4. The Applicant, Alfonso Matos, was present and stated that they are proposing a small storage facility for receiving, processing, and the packing of boxes of clothing and small household items to be shipped to the Dominican Republic; that there will not be any retail sales operations from the facility; that items are delivered by truck, boxes are loaded, and then shipped from the site by truck for shipment; that there will be an office for administrative paper work and preparing items for Customs; that there are two entrances to the site, one from Route 20 and one from Cassell Lane, a private drive; that there are several business type uses in close proximity between U.S. Route 13 and Concord; that no one resides on the site; that they would like to have a sign on the property; that the hours of operations are intended to be from 8:00 a.m. to 6:00 p.m. Monday through Friday; that they would have at least three (3) employees; and that the site has been previously used as a grocery store and as a tire business.**
- 5. The site has historically been used for small business uses, i.e. grocery store, fish store, tire business, etc.**
- 6. With the proposed conditions, the use will be as secure and unobtrusive as possible and will not adversely affect neighboring properties or the community.**
- 7. The use is of a public or semi-public character.**
- 8. There were no parties present in opposition to this application at the Public Hearing before the Council.**
- 9. Based on the record created before Council, this Conditional Use is approved subject to the following ten (10) conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties:**
 - A. There shall only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.**
 - B. Any security lighting shall only be installed on the building and shall be screened so that they do not shine on neighboring properties.**
 - C. The hours of operation of the storage facility shall be from**

**Old
Business/
C/U
No. 1945
(continued)**

- 8:00 a.m. to 6:00 p.m., Monday through Friday, except for administrative use.**
- D. There shall not be any tractor trailer truck activities on any Saturday or Sunday.**
 - E. All entrance and roadway improvements required by DelDOT shall be completed by the Applicant as required by DelDOT.**
 - F. The Applicant shall comply with any and all Federal, State, and County regulatory agencies having authority and jurisdiction over the proposed use, i.e. Sussex County Building Code, DelDOT, Sussex Conservation District, Department of Natural Resources and Environmental Control, Office of State Fire Marshal, etc.**
 - G. There shall be no storage of materials outside of the building.**
 - H. Any dumpsters on the site shall be screened from view of neighboring properties, Route 20 and Cassell Lane by privacy fencing at least six (6) feet high.**
 - I. The location of all buildings, parking areas, loading areas, and driveways shall be shown on the Site Plan.**
 - J. The Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**M 026 13
Adopt
Ordinance
No. 2287/
C/U
No. 1945**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 2287 entitled AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 14,964 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1945) filed on behalf of Alfonso Matos, with the following conditions:

- A. There shall only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.**
- B. Any security lighting shall only be installed on the building and shall be screened so that they do not shine on neighboring properties.**
- C. The hours of operation of the storage facility shall be from 8:00 a.m. to 6:00 p.m., Monday through Friday, except for administrative use.**
- D. There shall not be any tractor trailer truck activities on any Saturday or Sunday.**
- E. All entrance and roadway improvements required by DelDOT shall be completed by the Applicant as required by DelDOT.**
- F. The Applicant shall comply with any and all Federal, State, and County regulatory agencies having authority and jurisdiction over the proposed use, i.e. Sussex County Building Code, DelDOT, Sussex Conservation District,**

- M 026 13**
Adopt
Ordinance
No. 2287/
C/U
No. 1945
(continued)
- Department of Natural Resources and Environmental Control, Office of State Fire Marshal, etc.**
- G. There shall be no storage of materials outside of the building.**
- H. Any dumpsters on the site shall be screened from view of neighboring properties, Route 20 and Cassell Lane by privacy fencing at least six (6) feet high.**
- I. The location of all buildings, parking areas, loading areas, and driveways shall be shown on the Site Plan.**
- J. The Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 3 Yeas, 2 Nays.

Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Nay

Old
Business/
C/U
No. 1932

Under Old Business, the Council discussed Conditional Use No. 1932 filed on behalf of Tanya A. Gibbs and Kimwuan L. Gibbs

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on July 12, 2012 at which time action was deferred. On July 26 and August 9, 2012, the Commission deferred action again. On August 23, 2012, the Commission recommended that the application be denied.

The County Council held a Public Hearing on this application on August 7, 2012 at which time action was deferred.

M 027 13
Adopt
Proposed
Ordinance/
C/U
No. 1932
DENIED

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 27,250 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1932) filed on behalf of Tanya A. Gibbs and Kimwuan L. Gibbs.

Motion Adopted: 5 Nays.

Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay;
Mr. Phillips, Nay; Mr. Wilson, Nay;
Mr. Vincent, Nay

Grant
Requests

Mrs. Webb presented grant requests for the Council’s consideration.

M 028 13
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$1,500.00 (\$1,000.00 from Mr. Wilson’s Councilmanic Grant Account and \$500.00 from Mrs. Deaver’s Councilmanic Grant Account) to the Town of

M 028 13
(continued) **Georgetown for a playground.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea

M 029 13 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give**
Council- **\$2,500.00 (\$1,000.00 from Mr. Cole's Councilmanic Grant Account,**
manic **\$1,000.00 from Mrs. Deaver's Councilmanic Grant Account and \$500.00**
Grant **from Mr. Phillips' Councilmanic Grant Account) to the Oak Orchard**
 Riverdale American Legion Post #28 for sewer hook-up fees.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea

Previous **Mrs. Webb reported that there is no recommendation for the grant request**
Grant **from Rehoboth Beach Boys & Girls Club as the organization recently**
Request **received a Human Service Grant.**

M 030 13 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give**
Council- **\$2,500.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth**
manic **Beach Historical Society for programs and projects.**
Grant

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea

M 031 13 **A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give**
Council- **\$5,750.00 (\$5,000.00 from Mrs. Deaver's Councilmanic Grant Account and**
manic **\$750.00 from Human Service Grants) to The Greater Lewes Community**
Grant **Village for operating costs.**

Motion Adopted: 3 Yeas, 2 Abstentions.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Abstained; Mr. Wilson, Abstained;
 Mr. Vincent, Yea

Introduction **Mrs. Deaver introduced the Proposed Ordinance entitled "AN**
of Proposed **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**
Ordinance **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**
 DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR

Introduction (continued) **A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS” (Change of Zone No. 1726) filed on behalf of Robert M. and Sandra E. Davidson. (Tax Map I.D. 2-35-30.00-26.00) The Proposed Ordinance will be advertised for Public Hearing.**

M 032 13 **At 10:54 a.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to**
Go Into **recess the Regular Session and to go into Executive Session for the purpose**
Executive **of discussing land acquisition.**
Session

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea

Executive **At 10:56 a.m., an Executive Session of the Sussex County Council was held**
Session **in the Caucus Room of the Council Chambers to discuss land acquisition.**
 The Executive Session concluded at 11:14 a.m.

M 033 13 **At 11:19 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson,**
Reconvene **to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea

No action was required on Executive Session matters.

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY**
Proposed **EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS,**
Time **CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED**
Extension **COMMUNITY DISTRICTS, WITH A PROVISION FOR FURTHER**
Ordinances **EXTENSION UPON WRITTEN REQUEST” and the Proposed Ordinance**
 entitled “AN ORDINANCE PROVIDING FOR THE ADDITIONAL
 TEMPORARY EXTENSION OF TIME FOR SUBDIVISION
 APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND
 RESIDENTIAL PLANNED COMMUNITY DISTRICTS”.

Mr. Moore announced that the Public Hearings on both Proposed Ordinances would be held simultaneously; however, the Proposed Ordinances would be voted on separately.

Lawrence Lank, Director of Planning and Zoning, and Vince Robertson, Assistant County Attorney, summarized the Proposed Ordinances and reported on the Planning and Zoning Commission’s decision.

**Public
Hearing/
Proposed
Time
Extension
Ordinances
(continued)**

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinances on January 10, 2013. On that date, the Commission recommended the approval of the Proposed Ordinance entitled “AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS” with the following amendment: an additional time extension to January 1, 2016 and that the Ordinance be retroactive to January 1, 2013. On that same date, the Commission recommended the denial of the Proposed Ordinance entitled “AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS, WITH A PROVISION FOR FURTHER EXTENSION UPON WRITTEN REQUEST”.

Mr. Robertson stated that the current time extension ordinance (Ordinance No. 2208) granted time extensions to January 1, 2013; that the Council has three basic options: (1) do nothing and let the applications lapse that were not underway as of December 31, 2012, (2) grant a blanket time extension, and (3) come up with a process to only allow an extension of a certain length of time to viable applications whereby the applicant must report back to the County seeking an extension. Mr. Robertson noted that if the Council chooses to adopt another extension, the extension would be retroactive to January 1, 2013. Mr. Robertson stated that Option 3 gives the applicants a blanket extension and the opportunity to request, in writing, an additional longer extension; if an applicant wants the additional extension, the applicant would have to request it in writing to Planning and Zoning and include certain information detailing the status of the development and grounds for the request. Mr. Robertson stated that a fourth option would be that a request for an extension could be automatically approved if a request is submitted. Mr. Robertson noted that the thought behind requesting written requests was not to place a burden on applicants that have an application they wish to complete but to get the projects that are not going to be completed off the records. Mr. Robertson reported that the Commission considered proposed time frames of 1, 2 and 3 year extensions and recommended a 3 year extension period.

Public comments were heard.

Joe Conaway of Bridgeville and representative of SEDAC (Sussex Economic Development Action Committee) spoke in support of the extension ordinance. He stated that SEDAC believes it will help the economy; that due to the economy, a lot of parcels have gone back to agriculture production; that the economy is not back, but it is improving; that the demand is growing; that a time extension will result in a savings for a lot of projects, i.e. the costs and time associated with reapplying; that if you allow the applications to expire, some densities will increase as a result; that other agencies are creating the problems, i.e. DelDOT; that other

**Public
Hearing/
Proposed
Time
Extension
Ordinances
(continued)**

agencies impact projects by the cost and time it takes to get through the process; that SEDAC previously requested that the Council consider a time extension of at least two years; that applicants are having difficulty and are experiencing delays in obtaining permits; and that SEDAC supports the 3 year extension, as recommended by the Planning and Zoning Commission.

Dan Kramer of Bridgeville stated that there should be no time limit, that the County is at fault just as are other agencies; and that another extension request will need to be made in 2016 because a 3-year extension will not be sufficient.

Rodney Wyatt of Milford and Director of Operations for Artesian Resources spoke in support of the time extension. He stated that he was representing Artesian and other utility providers in Sussex County. He noted that they submitted a letter in support of SEDAC's previous extension request to the Council which was presented on December 4, 2012. He stated that an extension would assist in the County's economic growth and recovery; that they see some positive economic signs and they would like to see them continue; that it would allow them to fully utilize their infrastructure for future projects which would possibly lower rates; that they have to be in the forefront of planning for projects; that a time extension will allow utility companies to continue projects to serve the public; and that the utility companies support the recommendation of the Planning and Zoning Commission.

Heidi Gilmore of Tunnell & Raysor spoke in support of the time extension and she stated that, on the settlement side, they are beginning to see signs of recovery; that they are still struggling with appraisals and that properties have to appraise; that they still have short sales and foreclosures; that more time is needed for the recovery to fully be there; that more time is needed before the applications sunset; and that no extensions will drive up costs.

Lit Dryden of Georgetown and a realtor spoke in support of the time extension and he stated that the ordinance will help the local economy; that there will be benefits from the extension: (1) jobs, (2) sale of carpet, furniture, etc., (3) settlement costs, (4) transfer taxes, (5) reduced unemployment and unemployment insurance, (6) funds for ambulance and fire service, (7) funds for schools; that people would be denied additional choices if the developments do not move forward; and that a 3 year extension will give the economy time to come back so that financing can be found after the banks decide they are willing to lend.

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

**M 034 13
Amend
Proposed
Ordinance**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Proposed Ordinance entitled "AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS,

- M 034 13**
Amend
Proposed
Time
Extension
Ordinance
(continued)
- AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS” by changing the date (of the extension) to January 1, 2016; the Ordinance shall apply retroactively to any approval valid on or before January 1, 2013.**
- Motion Adopted: 4 Yeas, 1 Nay.**
- Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- M 035 13**
Adopt
Ordinance
No. 2288
(Time
Extension
Ordinance)
- A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to Adopt Ordinance No. 2288 entitled “AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS”, as amended (with the date of January 1, 2016).**
- Motion Adopted: 4 Yeas, 1 Nay.**
- Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- M 036 13**
Adopt
Proposed
Ordinance
(Time
Extension
Ordinance/
Written
Request)
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS, WITH A PROVISION FOR FURTHER EXTENSION UPON WRITTEN REQUEST”.**
- Motion Denied: 5 Nays.**
- DENIED**
- Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay; Mr. Phillips, Nay; Mr. Wilson, Nay; Mr. Vincent, Nay**
- M 037 13**
Adjourn
- A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 12:19 p.m.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

Respectfully submitted,

Robin A. Griffith, Clerk of the Council

