

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, August 12, 2009
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

PRESENT:

Edwin A Lambden, Mayor
Sue H Barlow, Ward Two
Bob Ricker, Ward Three
Brian Pettyjohn, Ward Four

STAFF PRESENT:

Eugene S Dvornick Jr, Town Manager
Tom Klein, Dir of Planning & Zoning
Angela Townsend, Town Clerk

ABSENT:

Charlie Koskey, Ward One

7:00 P.M. REGULAR MEETING

1. PLEDGE OF ALLEGIANCE

Mayor Lambden led the Pledge of Allegiance.

2. INVOCATION

Mayor Lambden asked for a moment of silence.

3. ADOPTION OF AGENDA

Motion by Councilman Pettyjohn, seconded by Councilman Ricker, to adopt the agenda as presented. **APPROVED (unanimous).**

4. APPROVAL OF JULY 8, 2009 TOWN COUNCIL MINUTES

Motion by Councilman Barlow, seconded by Councilman Pettyjohn, to approve the July 8, 2009 Council Minutes, as presented. **APPROVED (unanimous).**

5. HIGHWAY ONE/SIXTY TWO ACRES UPDATE

Alex Pires & John Snow presented Council with an update on the project. A group of developers from Pennsylvania are interested in developing the property, only if they work directly with the Town. Highway One's attorney, Steve Spence would prepare the amended agreement with no expense to the Town.

Councilman Ricker: If this agreement is amended, how does the Town know if these developers from Pennsylvania will even develop this property and what is the time line?

Alex Pires: To be honest I don't know if they will show, or what their time line is?

The proposed Town recommendations: Declare Section 5 and a portion of Section 9 of the amended Annexation Agreement null and void, retain the portion of Section 9 outlining the Annexation Fee (same as in 2004 Agreement) - \$226,520.00, return prepaid water and sewer impact fees totaling \$330,592.00 (water - \$69,424.32 and sewer - \$261,167.68), and reimbursement to be made on/before October 1, 2009.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to allow Steve Spence, Highway One's Attorney to draft an amended agreement for review with the proposed recommendations, subject to the applicant bearing all the expenses in drafting a new agreement. **APPROVED 3-1 Yea: Barlow, Pettyjohn, Lambden Nay: Ricker.**

6. **KGB PROPERTIES/16 MILE BREWING COMPANY – PROPOSED ONSITE WASTEWATER DISPOSAL SYSTEM**

Applicants Brett McCrea and Chad Campbell are requesting permission for the use of an onsite production wastewater disposal system. Town Council authorized the acceptance of sanitary wastewater only from the commercial operation. Production wastewater must be managed by 16 Mile Brewing Company. Two areas have been designated as possible sites; the second and preferred site takes it off of South Bedford Street. This site is obtainable (belonging to the applicant's father) and also ensures a better ability of the sand mound system in addition to 35" which results in a much lower mound. Maximum build out would be permitted for 2,400gpd.

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to approve the proposed onsite wastewater disposal system contingent upon a lease agreement between the brewery and the owner of the proposed site. **APPROVED (unanimous).**

Councilman Ricker requested a copy of the DNREC permit.

7. **GEORGETOWN VILLAGE PUBLIC WORKS AGREEMENT – SHIPBUILDERS, LLC – CASE #2004-04**

Public Works Agreement defines specific improvements and costs, standards, and requirements required by the Town. The Public Works Agreement has been reviewed by Jim Fuqua, Town Solicitor and Annie Williams, Town Engineer.

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, authorizing the Mayor to execute the proposed Public Works Agreement. **APPROVED (unanimous).** "The Public Works Agreement is incorporated as part of the minutes."

8. **SHEPHERD'S POINT LLC – MELVIN L JOSEPH CONSTRUCTION CO – BOND REDUCTION**

Shepherd's Point was owned by Wayne Sheppard in 2002, a performance bond was posted in the amount of \$399,838.00. In 2004 Melvin Joseph wanted to return to Shepherd's Point to lay the final asphalt coat, at which time Mr Shepherd declined the offer, wanting to wait until after construction in the development was complete.

In August of 2006 Shepherd's Point was sold to Charter Homes, LLC which became Georgetown Point. According to the deed at the time of settlement, any infrastructure improvements were the responsibility of Charter Homes. A new performance bond should have been posted with the new owner of the development, which was not done. Charter Homes the current owner has gone out of business.

On July 25, 2009 Marshall Auction-Marketing Company advertised the remaining unsold lots to be auctioned (23 building lots and a brand new home).

Motion by Councilman Ricker, seconded by Councilman Barlow, to terminate the current Performance Bond with Melvin L Joseph Construction Co. **APPROVED (unanimous).**

9. **A. GENE DVORNICK – TOWN MANAGER**

Water Leaks

We continue to be plagued with water leaks. So far this year we have had 28 – the most recent being along North Bedford Street (in the area of New Street and Pepper Street). There does not appear to be a common cause, just a run of poor luck.

New Roof – Georgetown Police Station

During our FY 2010 budget discussions, we decided to take Realty Transfer Tax out of the budget, establish a separate bank account and committed to spending the first \$50,000.00 towards replacement of the roof on the police station. As of July 31, 2009, the account balance is: \$57,228.63.

Accordingly, we have solicited and reviewed three (3) bids for the roof work as outlined below:

<u>Vendor</u>	<u>Base</u>	<u>Additions</u>	<u>Total</u>
Delmarva Roofing	\$40,350.00	\$2,950.00	\$43,300.00
Chimney Removal	-	\$ 250.00	-
Hypalon® (20 yr)	-	\$2,700.00	-
Wilkinson Roofing	\$46,640.00	-	\$46,640.00
First State Roofing	\$46,981.00	-	\$46,981.00

Motion by Councilman Ricker, seconded by Councilman Pettyjohn to approve Delmarva Roofing with the roof replacement work at the Georgetown Police Station at an amount not to exceed \$43,500.00. **APPROVED (unanimous).**

Sussex County Council Grant to Local Law Enforcement Agencies

As part of the Sussex County Council budget, the grant amount for local law enforcement was reduced from the previous \$25,000.00 – the Town of Georgetown received \$15,000.00 this year.

In discussions with Chief Topping and Bill Bradley we feel the best use of these funds is to purchase crowd control barricades for use at events taking place on The Circle (Return Day, protests, others). We have received two (2) quotes as outlined below:

<u>Vendor</u>	<u>Qty</u>	<u>Price</u>	<u>Frt</u>	<u>Total</u>
Crowd Control Whse	50	\$ 89.85	\$ 397.00	\$ 4,889.50
	100	\$ 89.85	\$ 638.00	\$ 9,623.00
Friedrichs Custom Mfg	50	\$ 107.50	Incl	\$ 5,375.00
	100	\$ 103.60	Incl	\$10,360.00

Motion by Councilman Pettyjohn, seconded by Councilman Barlow to approve the purchase of barricades from Crowd Control Warehouse at an amount not to exceed \$15,000.00. **APPROVED (unanimous).**

North Bedford Street Traffic Study

In January of this year the Town received a request from a resident along North Bedford Street to review the posted speed limit from Bridgeville Road to US 113. The Town has heard back from DelDOT and the following changes are being made:

- Speed limit reduction from 40 MPH to 35 MPH
- New Signage along the entire roadway

A proposed signing diagram is available for review, as necessary.

Bank Account Closure – PNC Bank

The Town of Georgetown currently maintains an account with PNC Bank, which was required as part of a line of credit arrangement with the bank. As the line of credit is no longer in existence and to avoid monthly service charges, I'd like to close this account (\$561.00) and return the funds to the General Fund.

Motion by Councilman Barlow, seconded by Councilman Ricker to approve the closure of the PNC Interim Account. **APPROVED (unanimous).**

Budget versus Actual – June 30, 2009 Two Months (17% of the Year)

<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
General Fund	\$2,732,545	\$1,744,083	\$988,462	64%
Water Fund	\$1,249,450	\$9,009	\$1,240,441	1%
Sewer Fund	\$1,571,200	\$13,025	\$1,558,175	1%
Total	\$5,553,195	\$1,766,116	\$3,787,079	32%

<u>Expenditures</u>				
General Fund	\$3,376,331	\$452,320	\$2,924,011	13%
Water Fund	\$798,268	\$148,579	\$649,689	19%
Sewer Fund	\$1,378,596	\$271,383	\$1,107,213	20%
Total	\$5,553,195	\$872,282	\$4,680,913	16%

The monthly report has been distributed for your review.
 Other Key items (versus the same time period last year):

- Real Estate Transfer Tax Revenue, **Up 113.69%**
 - Ruhl Property Settlement
- Building Permit Revenue, **Down 68.16%**

Budget versus Actual – July 31, 2009 Three Months (25% of the Year)

<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
General Fund	\$2,732,545	\$1,905,879	\$826,666	70%
Water Fund	\$1,249,450	\$309,869	\$939,581	25%
Sewer Fund	\$1,571,200	\$447,855	\$1,123,345	29%
Total	\$5,553,195	\$2,663,602	\$2,889,593	48%

<u>Expenditures</u>				
General Fund	\$3,376,331	\$773,860	\$2,602,471	23%
Water Fund	\$798,268	\$196,210	\$602,058	25%
Sewer Fund	\$1,378,596	\$391,690	\$986,906	28%
Total	\$5,553,195	\$1,361,759	\$4,191,436	25%

The monthly report has been distributed for your review.
 Other Key items (versus the same time period last year):

- Real Estate Transfer Tax Revenue, **Up 64.47%**
- Building Permit Revenue, **Down 66.18%**

DART Transfer Hub

The Town continues to work with DART on the relocation of the transfer hub from the Delaware Tech campus to the area adjacent to the Georgetown Train Station along North Railroad Avenue. See July 9, 2009 Update handout.

Councilman Ricker: I have no problem approving the installation of no parking signage and painting yellow curbing along North Railroad Avenue within the specified area. I do have a problem approving the alternative route due to the amount of children playing in that area. I recommend Council hold off on considering an alternate route until the hub is established and an issue is encountered at which time the Council will seriously consider looking into an alternate route.

No action was taken. DART will be updated with Council's decision.

Utility Account Policy Change

In the past, the Town has allowed property owners to have utility (water/sewer/trash) accounts placed into the tenant's name. With the downturn in the economy, and several rental properties being vacated, the Town is seeing increased delinquencies and property owners complaining that the bills are not their responsibility. Other considerations include:

- The Town does not have the ability to identify and track the tenant;
- The landlord controls the lease to which the Town is not a party; and
- Tenant billing involves city staff in disputes over usage.

Effective August 1, 2009, the Town will discontinue this practice. All utility billings will be sent to the property owner. Any existing billings to tenant will be grandfathered until there is a turnover of the occupancy – at that time the billing will revert to the property owner.

Motion by Councilman Ricker, seconded by Councilman Barlow, to approve the utility account policy change. **APPROVED (unanimous).**

Miscellaneous

- Minor Street work, totaling \$10,152.70, funded with \$10,000 from Representative Booth will be taking place over the next few weeks. This includes:
 - Cooper Alley (N. Bedford to N. Front)
 - Love Lane (W. Market to W. Laurel)
 - Clover Drive (Area dug up for sewer repair)
 - 230 W. Pine (driveway to pump station)
 - Strawberry Alley (S. Front to Love Lane – drainage issue area)
- The Town received notification from the Delaware State Housing Authority (DSHA) that Georgetown projects for housing rehabilitation were not recommended for funding.
- Town Seal Usage – Permission was granted to use the Town Seal for a decorative license plate.
- Sports at the Beach have made twelve payments of \$2,000 towards the Sewer Impact Fees due the Town – this is in keeping with our agreement. Current balance due is \$17,580.00 – to date 58% of the total due has been paid (original amount due: \$41,580.00).
- Outstanding Utility bills:
 - From the July billing: \$103,559
 - Reminders sent August 7, 2009
 - Within normal range for a given quarter
- Outstanding Property Tax bills: \$149,368
 - => 60 days: \$84,067
 - => 180 days: \$19,761 (~50 accounts)
 - Penalty: \$45,628
 - Reminders sent July 9, 2009
- One of the items proposed during our budget process was to implement a Time and Attendance system – we tried the ADP solution for two months (8 pay periods) – with no success. Due to the increased time required for the processing of the Police Department time sheets, we have cancelled the service effective August 1, 2009.

- Chamber Luncheon – August 26, 2009 – Governor Markell will be the speaker
- Employee Service Anniversaries (July):
 - Bill Bradley Public Works 24 years
 - Kenny Wilson Wastewater 13 years
 - Tom Klein Planning Office 5 years
 - Jeff Ward Const Inspection 3 years

B. TOM KLEIN – DIRECTOR OF PLANNING & ZONING

Council was presented with building permits and code violations for the month of July. Comprehensive Plan Status - the Planning staff has provided additional comments to URDC, and DelDOT is requesting a statement be added to the Comp. Plan covering the level of service at the intersection of Rt 9 & Sandhill Rd. Council was updated on the following projects – Georgetown East (Food Lion), Royal Farms, Village of College Park, and Georgetown Square.

Gene Dvornick - Meeting with Bryan Hall today to discuss regional master planning for area from Park Avenue and Route 9 tying into Arrow Safety Rd out to US 113, next Monday a 1 hour get acquainted meeting is scheduled, followed by a post Labor Day 3 hour meeting with Mayor, Council, Planning Commission and Sussex County to discuss alternatives and future zoning. Tom and I were approached by a concerned citizen at the Economic Development meeting with concerns about transitional type housing. The Town will be researching this issue as far as a zoning stand point as to possible criteria.

10. 1ST READING OF ORDINANCES

A. ORDINANCE 2009-12 POLITICAL SIGN PLACEMENT

Regulating the placement of political signs on public property. Although a municipality may not entirely ban temporary signs on residential property, it may prohibit all temporary political signs on public property.

Councilman Pettyjohn: The intent is good, a candidate that wishes to announce their candidacy as this ordinance stands now, are not allowed any banners or signs. There has to be some type of method, something in place that would allow temporary signage, for that brief period of time.

The Town Manager and Town Solicitor will modify this ordinance to address this concern.

No action necessary at this time. 2nd reading and adoption if agreeable will be August 26th Council meeting.

B. ORDINANCE 2009-13 MINOR SUBDIVISION FEE

The Town of Georgetown has been challenged on how we calculate the fee related to a minor subdivision (3 or fewer lots). According to Chapter 98 (Fees) the Minor Subdivision Fee is calculated as \$500, plus \$120 per lot plus professional fees.

Assuming a subdivision of an existing parcel into two lots, the argument is that there was an original lot existing and only one (1) new lot was created during the subdivision; hence the \$120.00 is charged only one time.

The Town's practice has been that the subdivision creates two (2) new lots; hence the \$120.00 is charged for each lot, resulting in a \$240.00 fee.

No action necessary at this time.

2nd reading and adoption if agreeable will be August 26th Council meeting.

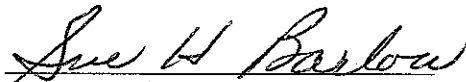
11. PUBLIC COMMENT

Mike Wyatt, 703 E Market Street, recommended a circle or round-about be installed at the intersection of Route 9 and Sandhill Road. Circles tend to slow traffic resulting in fewer accidents, and they're more efficient than a signal by keeping traffic moving.

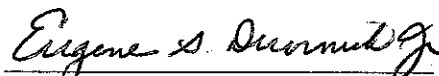
12. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to adjourn at 8:50 p.m. **APPROVED (unanimous).**

APPROVED:


Sue H. Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager