

(No Taped Minutes)

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, February 11, 2009
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

PRESENT:
Edwin A Lambden, Mayor
Charlie Koskey, Ward One
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:
Sue H Barlow, Ward Two

7:00 P.M. REGULAR MEETING

1. **PLEDGE OF ALLEGIANCE**
Mayor Lambden led the Pledge of Allegiance.
2. **INVOCATION**
Mayor Lambden led the invocation.
3. **ADOPTION OF AGENDA**
Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to adopt the agenda as presented. **APPROVED (unanimous).**
4. **APPROVAL OF JANUARY 28, 2009 TOWN COUNCIL MINUTES**
Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to approve the January 28, 2009 Council Minutes, as presented. **APPROVED Yea: Pettyjohn, Ricker, Lambden Abstained: Koskey**
5. **PROCLAMATIONS**
 - A. **FIREMAN OF THE YEAR**
 - B. **LIFETIME FIREMAN OF THE YEAR**Mayor Lambden presented proclamations to James W Hitchens, Fireman of the Year and Harry Fletcher Jr, Lifetime Fireman of the Year.
6. **INTRODUCTION OF PROPOSED ZONING AMENDMENT – SOUTH BEDFORD BUSINESS PARK – CASE #2009-1**
A zoning amendment application by Van Cleef Engineering representing South Bedford Business Park on behalf of Duck Creek Property Management LLC – Lex Heinold from UR-1 (Urban Residential) to LI-2 (Light Industrial) zoning district for the property identified as Sussex County Tax Map 135-20.00-37.00, 38.00, 39.00. The property is located on South Bedford St, adjacent to future truck Route 9. South Bedford Business Park is ±15 acres. The proposed project includes 7 Light Industrial lots. The property is currently wooded. The parcel falls within the flight hazard area for the Sussex County Airport Runway Extension.

Craig Shannon, Van Cleef Engineering presented Council with an overview of the proposed project.
Councilman Koskey: What types of industry are you proposing?

Applicant: Due to the property being located within the flight hazard area for the Sussex County Airport Runway Expansion, light manufacturers and distribution centers are being proposed.

Councilman Ricker: What benefits will this project bring to Town?

Applicant: Jobs, employment opportunities, businesses generating taxes and revenue, and improvements to the infrastructure.

Councilman Ricker: Are you utilizing Sharp Energy or natural gas?

Applicant: If available at the time of construction, we would definitely use natural gas (Chesapeake Utilities).

Councilman Ricker: What provisions are being taken to protect the residential areas adjoining the property?

Applicant: Wooded buffers would be located along adjoining lines. With the runway expansion, the site falls within the flight hazard area as designated by the FAA. The flight hazard area excludes places of public gatherings for usage of this site, therefore a commercial zoning usage would be as appropriate as the proposed zoning of LI2 (Light Industrial).

Mayor Lambden: Are you also attempting to acquire the Short property?

Applicant: Yes, in addition the owners currently own parcels 38 & 39, there is a contract to purchase the Short property. The site plan shows 2 entrances, 1 is permanent, and 1 is temporary until which time the truck route 9 re-alignment is completed. The temporary entrance will be converted to a cul-de-sac.

Councilman Koskey: Will improvements be made to the intersection at Marker's Deli?

Applicant: Yes, there have been discussions concerning the intersection, but any improvements will be delegated by DelDOT.

Councilman Ricker: Any idea as to the date of the re-alignment of truck route 9?

Applicant: According to the County, design is late 2009 into 2010 and 2011 for construction with a completion date of about 2 years.

Councilman Ricker: Considering the other residential homes in that area, I am not in favor of re-zoning. What happens if the re-zoning is denied?

Applicant: The property would remain vacant & wooded. PLUS has no objection to the proposed project for rezoning.

Councilman Koskey: As to the runway expansion and the FAA regulations of the flight hazard area, I don't understand how they (FAA) can pick and choose as to what's permitted and what's not, due to the residential area already there.

Town Manager: The Town currently has a Avigation Agreement in place with the County.

Councilman Ricker: I understand that but the Avigation Agreement does not dictate the zoning of a property.

Councilman Pettyjohn: LI2 zoning in a residential area, I disagree with. With the additional noise, trucks, and traffic I see a huge problem.

Mayor Lambden: Have you reviewed the LI2 permitted uses, and can you or have you eliminated any?

Applicant: Many uses were eliminated due to the flight hazard area. The Town could place conditions on the proposed site and we would agree to whatever limitations were placed on the property.

Councilman Ricker: I am requesting a reason or explanation from the FAA why this property can't be residential.

Motion by Councilman Ricker, seconded by Councilman Koskey to table the application until the Town has received an explanation from the FAA and the re-alignment of truck route 9.

Mayor Lambden: Since we are tabling this item, I suggest we forward the application on to the Planning Commission for review until the Town hears from the FAA.

Jim Fuqua: I advise not tabling this item at this time, and recommend forwarding on the Planning Commission for review.

Councilman Ricker: What if I rescinded my previous motion and then motioned to deny the application?

Jim Fuqua: I would advise against doing that, for the applicant's right to a due process of the law, the Planning Commission is only going to review and comment. In the end the Town Council has the final decision to approve or deny

Councilman Ricker: I rescind the motion.

Motion by Councilman Pettyjohn, seconded by Councilman Koskey, to forward the application to the Planning Commission for review and comment at their February 18th meeting.

APPROVED 3-1 Yea: Pettyjohn, Koskey, Lambden Nay: Ricker

7. **DISPOSITION OF REAL ESTATE SALE LISTING – 4 & 8 NORTH KING STREET**

To ensure proper public notice, the following item is placed on the agenda.

As discussed January 28, 2009 during Executive Session and voted on following Executive Session, listing of 4 & 8 North King Street with Patterson Schwartz in Dover, for the sale at \$125,000 each.

8. **DEPARTMENTAL REPORTS**

A. GENE DVORNICK – TOWN MANAGER

Trash Service (Independent Disposal Service)

Council approved (January 28th Council meeting) the extension of the existing agreement with Independent Disposal Services for an additional two years. The agreement was executed on February 2, 2009, at the rate of \$12.75 per month, per unit from 4/1/2009 to 3/31/2010, and a rate of \$13.05 per month, per unit from 4/1/2010 to 3/31/2011.

Voter Registration Notices

According to the Town Charter, voters that have not voted in the last two annual elections, need to re-register. In past the Town has notified these individuals through a certified mailing at approximately \$5.32 per mailing. The total mailed this year was 128. The Delaware Department of Corrections offers services such as printing, envelopes, letterhead, silk screening, and signs for a nominal fee. The Town contacted the Department of Corrections for a quote on printing a postcard notice in lieu of a certified letter which resulted in a savings of \$150.00.

2009 Municipal Election

Certificates of Candidacy are available. The seats for Ward 1 and Ward 2 are up for election. The filing deadline is April 17th at 5:00 pm. The Annual Municipal Election will be held on Saturday, May 9th (if needed)

Special Council Meeting: 37 The Circle

A special Town Council meeting is scheduled for February 18, 2009 at 4:30 pm to discuss 37 The Circle.

Miscellaneous

- The Town has been working with the University of Delaware, Institute for Public Administration on the design of a workshop with the Town Council, Planning Commission and Planning Department. This will be a review of roles and responsibilities and provide a framework for working collaboratively.
- Concurrent with the workshop – there will be a joint Town Council, Planning Commission, URDC meeting to ready the Comprehensive Plan Update for Public Hearing and submission to the OSPC. Dates are being determined based on all parties schedules – once selected everyone will be notified.
- Governor Markell will be hosting a budget presentation on Monday, February 16 at 6:00 pm at the Sussex County Council Chamber.
- The Town Offices will be closed on Monday, February 16, 2009 in observance of Presidents Day.
- February 25th Council Meeting:
 - Georgetown Village Business Park (behind the Georgetown Plaza Shopping Center) - Zoning Amendment this was tabled on December 10, 2008.
 - Village of College Park Annexation Agreement

B. TOM KLEIN – DIRECTOR OF PLANNING & ZONING

Council was presented with an overview of building permits, business licenses, and violations broken down by wards. Brief comments were made on the following projects: Calhoun Store, Commons of Georgetown, County Seat Apts, Family Health of Georgetown, Georgetown East (Food Lion), Habitat Office, Harrison Senior Living Center, Shops at College Park, South Bedford Street Business Park, and the Ruhl property.

9. ANNUAL PROPERTY TAX ASSESSMENTS

A. ASSESSMENT APPEALS HEARING

Mayor Lambden opened the floor for anyone who wanted to appeal his or her assessment for the tax year May 1, 2009 to April 30, 2010.

No one came forward.

B. ADOPTION OF ANNUAL ASSESSMENTS

	<u>Property Tax Assessments Totals</u>
Total Assessment	\$58,919,911
Exempt Properties	<u>\$14,077,350</u>
Net Taxable	\$44,842,561

Moved by Councilman Koskey, seconded by Councilman Pettyjohn, to adopt the Tax Assessments for the tax year May 1, 2009 to April 30, 2010. **APPROVED** (unanimous).

10. 2ND READING & ADOPTION OF ORDINANCES

A. ORDINANCE 2009-1 NOISE ORDINANCE

With a recommendation from Councilman Ricker, §144-4 Noises Prohibited Item #K “perhaps contacting other agencies or institutions that may be affected”. Page 3 Definitions High-lighted wording was added, strikethrough wording was removed. Page 7 Item #K strikethrough wording was removed.

Moved by Councilman Pettyjohn, seconded by Councilman Koskey, to adopt Ordinance 2009-1 Noise Ordinance. **APPROVED (unanimous).**
"The Ordinance is incorporated as part of the minutes."

11. PUBLIC COMMENT

No Public Comment.

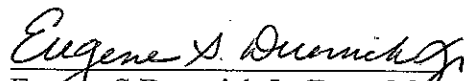
12. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Koskey, to adjourn at 7:45p.m. **APPROVED (unanimous).**

APPROVED:


Sue H. Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager