

(No Taped Minutes)

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, February 25, 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
Charlie Koskey, Ward One
Bob Ricker, Ward Three
Brian Pettyjohn, Ward Four

STAFF PRESENT:

Eugene S Dvornick Jr, Town Manager
Keith Hudson, Superintendent of Wastewater
Angela Townsend, Town Clerk

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

ITEM #8 DONATION REQUEST moved to Item #4A.

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

4. APPROVAL OF FEBRUARY 11, 2009 AND FEBRUARY 18, 2009 TOWN COUNCIL MINUTES

Motion by Councilman Ricker, seconded by Councilman Koskey, to approve the February 11, 2009 Council Minutes, as presented. **APPROVED 4-0 Yea: Pettyjohn, Ricker, Koskey, Lambden Abstained: Barlow**

Motion by Councilman Ricker, seconded by Councilman Koskey, to approve the February 18, 2009 Council Minutes, as presented. **APPROVED (unanimous).**

4A. DONATION REQUEST

A. SUSSEX CENTRAL SOFTBALL BOOSTERS

Patti Jo Johnson presented Council with an overview of the Boosters organization and how the donation would be spent. In 2008 the Mayor & Council donated \$350.00. The Council's discretionary fund balance is \$4,995.02.

Moved by Councilman Pettyjohn, seconded by Councilman Koskey, to approve the donation request of \$350.00 for the Sussex Central Softball Boosters. **APPROVED (unanimous).**

B. GEORGETOWN-MILLSBORO ROTARY – WINTER GALA

Annual fundraiser for the Georgetown-Millsboro Rotary. In 2008 the Mayor & Council donated \$500.00 for a Bronze Sponsor drawn on Council's discretionary fund. The balance in the Council's discretionary fund is \$4,645.02.

Councilman Barlow: Due to budget constraints at this time, the Council should seriously consider restricting our donations only to youth groups.

Larry Rohlfing spoke on behalf of the Rotary and the various community organizations that benefit from the Rotary's involvement.

Councilman Ricker echoed Councilman Barlow's statement.

Moved by Councilman Pettyjohn, seconded by Councilman Ricker, to approve the donation request of \$500.00 for the Georgetown/Millsboro Rotary Winter Gala.

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

Recused: Koskey

5. VILLAGE OF COLLEGE PARK

A. ANNEXATION AGREEMENT

An annexation application by Becker Morgan Group Inc. on behalf of Sussex Entertainment LLC for the annexation of 52.17 acres into the corporate limits of the Town of Georgetown for the property identified as Sussex County Tax District 135 Map 14.00 Parcels 31.00 & 31.01. The application consists of 422 residential units and 4 commercial units. The property is located west of Route 113, north of Route 18 & 404, Georgetown, DE. The proposed zoning is Multi Family Residential (MR1) with a Residential Planned Community overlay (RPC). The property is located west of Route 113 and North of Route 18/404. The annexation request was approved at the January 9, 2008 Council meeting.

Motion by Councilman Barlow, seconded by Councilman Pettyjohn, to approve the Annexation Agreement. **APPROVED 4-1 Yea: Koskey, Barlow, Pettyjohn, Lambden Nay: Ricker**

"The Annexation Agreement is incorporated as part of the minutes."

Councilman Ricker: As stated in previous meetings, I have a problem and concerns with the traffic situation and proposed design of Route 404/18 from US113 to Vaughn Road. I urge the applicant to work with DelDOT to address this imminent congested area of roadway.

B. RESOLUTION #2009-2

Motion by Councilman Koskey, seconded by Councilman Barlow, to adopt Resolution #2009-2 granting the annexation into town limits. **APPROVED 4-1**

Yea: Koskey, Barlow, Pettyjohn, Lambden Nay: Ricker

"Resolution #2009-2 is incorporated as part of the minutes."

Councilman Ricker: As stated in previous meetings, I have a problem and concerns with the traffic situation and proposed design of Route 404/18 from US113 to Vaughn Road. I urge the applicant to work with DelDOT to address this imminent congested area of roadway.

C. ORDINANCE #2009-2

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to adopt Ordinance #2009-2 to amend the zoning map to MR-1 (Multifamily Residential) with an RPC overlay identified as District 1-35 Map 14.00 Parcels 31.00 & 31.01.

APPROVED 4-1 Yea: Koskey, Barlow, Pettyjohn, Lambden Nay: Ricker

"Ordinance #2009-2 is incorporated as part of the minutes."

Councilman Ricker: As stated in previous meetings, I have a problem and concerns with the traffic situation and proposed design of Route 404/18 from US113 to

Vaughn Road. I urge the applicant to work with DelDOT to address this imminent congested area of roadway.

6. PROPOSED ZONING AMENDMENT – GEORGETOWN VILLAGE BUSINESS PARK – CASE #2008-38

A zoning amendment application by John E Harms Jr & Associates representing Islem, LLC from UB2/UB3 (Neighborhood/Professional Business) to UB1(Urban Business) zoning district for the property identified as Sussex County Tax Map 135-19.00 Parcels 30.15 and 30.16. The property is located between Rt 9, Trap Pond Rd and Little St.

Councilman Pettyjohn: After reviewing the application, I believe the proposed zoning is not appropriate for this location.

Councilman Ricker: I agree with Councilman Pettyjohn's comment.

Councilman Koskey: If the application is denied what recourse does the applicant have?

Town Manager: The applicant can re-apply in 6 months, with the same requested zoning or a different zoning.

Motion by Councilman Barlow, seconded by Councilman Koskey, to deny the proposed zoning amendment Georgetown Village Business Park – Case #2008-08 from UB2/UB3 (Neighborhood/Professional Business) to UB1(Urban Business) zoning district for the property identified as Sussex County Tax Map 135-19.00 Parcels 30.15 and 30.16. **APPROVED (unanimous).**

Jim Fuqua, Town Solicitor, recommended that the Council state reasons as to denial.

Councilman Koskey: For the location the UB1 (Urban Business) zoning is not restrictive enough.

Councilman Barlow: I agree with Councilman Koskey, in addition, if the zoning amendment is approved and Mr Tekman agrees to limit the uses permitted, in the event he sells the property, the new owner can revert back to the allowed permitted uses and the Town Council has no control.

Councilman Ricker: I agree with Councilman Koskey and Councilman Barlow, UB1 is not restrictive enough for this location.

Councilman Pettyjohn: I have concerns with the homes currently on Little Street, with noise, traffic, and lighting. The proposed zoning is not appropriate for this area, and the application is not in the best interest of the Town.

Mayor Lambden: Agreed with the comments previously made.

7. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Economic Stimulus Update

1. The Town is preparing an application through Delaware Department of Health and Social Services, Division of Public Health, Office of Drinking Water – State Revolving Fund. We are looking at two potential projects:

- King Street Water Plant Improvements:
 - a. Roof for the Chemical Building
 - b. Upgraded monitoring/SCADA System
- SCI – Zoar Road Water Plant:
 - c. Automatic Control Backwashing System

d. Building Separation (Production/Electrical)

Motion by Councilman Pettyjohn, seconded by Councilman Ricker, to move forward with the application for the King Street and SCI-Zoar Road Water Plant Improvements. **APPROVED (unanimous).**

2. The Town has been in contact with Mr. Bill Lecates, Sussex County Housing to seek funding through additional CDBG allocations for improvements on Margaret Street.

Sussex Tech – Force Main

On Thursday, February 19 the Town began accepting effluent from Sussex Tech. The project was completed a little behind schedule – due to factors outside our control – this did not impact the cost and I believe all parties are satisfied with the work performed. This contract was awarded to Kent Construction.

2009 Municipal Election

REMINDER: 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)

37 The Circle

Settlement is scheduled for Thursday, February 26 at 3:30 PM at the office of the Town Solicitor.

FY 2010 Budget Workshop

The Finance staff and I have been working on the FY 2010 Budget. All departments have submitted their estimates and we have been consolidating everything over the past few weeks. We'd like to schedule a workshop with the Mayor & Council for early March to review.

Motion by Councilman Koskey, seconded by Councilman Ricker, to schedule a workshop for March 2, 2009 at 4:30pm at Town Hall to review the FY10 Budget. **APPROVED (unanimous).**

Fiscal Year 2008 Audit

We have received the final copy of the Fiscal Year 2008 (ending April 30, 2008) audit. A press release with the information has been prepared and distributed to the local newspapers. Copies of the audit are available for review. A copy of the Management letter has been provided to each member of council.

Industrial Airpark Effluent Analysis

Sussex County is in the process of sampling and testing the effluent from the Airpark. Once completed, the results will be shared with the Town. Going forward they (County) intends to perform the testing no less than quarterly.

Miscellaneous

Employee Anniversaries

- o Shawn Brittingham Police Department 6 Years

B. KEITH HUDSON – SUPERINTENDENT OF WASTEWATER

Keith Hudson updated Council on the Sussex Tech Forcemain. The Town of Georgetown's Spray Irrigation Permit was renewed for a 5 year (2009-2014) period. Initial testing will be done on the monitoring wells at 30 day intervals

2008 Spray Volume Applied: Town – 150mg Baxter – 131mg

2008 Irrigation Days: Town – 276 Baxter – 124

Lagoon Depth – currently 14½ ft

2008 Flows: Annual - 295,075,600gallons Gallons per Day – 806,217

8. DONATION REQUEST moved to Item#4A

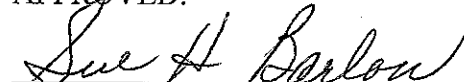
9. PUBLIC COMMENT

Lillian Vassallo, Sunrise Medical Center, 1 Little Street, thanked the Council for denying the Georgetown Village Business Park, proposed zoning amendment. She feared the applicant would sell the property after being re-zoned, resulting in the Council having no authority over the project.

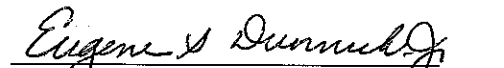
10. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to adjourn at 7:43p.m. **APPROVED** (unanimous).

APPROVED:


Sue H. Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager