

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, January 14, 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
Sue H. Barlow, Ward Two
Bob Ricker, Ward Three
Brian Pettyjohn, Ward Four

STAFF PRESENT:

Eugene S Dvornick Jr, Town Manager
Bill Bradley, Dir of Public Works

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**
Add to Item #14 EXECUTIVE SESSION discussion for possible land acquisition.
Motion by Councilman Ricker, seconded by Councilman Koskey, to adopt the agenda as amended. **APPROVED (unanimous).**
4. **APPROVAL OF DECEMBER 10, 2008 TOWN COUNCIL MINUTES**
Page 8 Town Manager's Report, Mayor Lambden voted Nay to also approving Friday, December 26, 2008 as a Town Holiday.
Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to approve the December 10, 2008 Council Minutes, as amended. **APPROVED 4-1 Yea: Koskey, Barlow, Pettyjohn, Lambden Abstained: Ricker**
5. **ANNEXATION COMMITTEE REPORT – HERITAGE LANDS LLC/MASSEY FARMS – CASE #2008-33**
An annexation application by Byron H Jefferson, Eng Services on behalf of Heritage Lands LLC & Massey Farms Inc for the annexation of 232.55 acres, located on the south side of Rt 9 County Seat Highway. The site is comprised of two parcels designated as tax map 1-35-22-23.00, and 1-35-19-43.00. The site is located in Sussex County but borders on the municipal line of the Town of Georgetown along its eastern boundaries. The application proposes that the site be annexed into the Town of Georgetown and the site zoned as UR-3 (Neighborhood Residential).

Motion by Councilman Koskey, seconded by Councilman Barlow, to recommend the application for annexation to the Town Council, the annexation will occur as 2 separate parcels, with the Massey Farms parcel being annexed first followed by Heritage Lands LLC, and prior to annexation a separate survey for each parcel needs to be completed. **APPROVED (unanimous).**

6. GEORGETOWN COMMONS – REQUEST FOR TEMPORARY HOLDING TANKS

Rudy McAdams and Bret Martine, Century Engineering, presented the Council with an overview of the request.

Temporary holding tanks are being installed until Whispering Breeze moves forward with their project connecting to the Easter Seals pump station. At that point in time Georgetown Commons will install a gravity line direct bore across Rt 113 to tie into Whispering Breeze.

Underground concrete tank, equipped with a warning system, notifying the owner when it's reached capacity, holding approx. 6,000 gallons being pumped as needed.

Councilman Koskey asked on the location and availability of the existing septic tank.

Rudy McAdams stated the existing system is very old and would probably not meet DNREC standards today without tremendous modifications to the septic system.

Councilman Ricker asked if the temporary tank would be removed when the connection is made to Whispering Breeze.

Bret Martine stated the tank would be removed.

Motion by Councilman Pettyjohn, seconded by Councilman Ricker, to approve the request for temporary holding tanks.

Town Solicitor, Tim Willard recommended adding a time limit for the temporary holding tank and suggested 24 months.

Motion by Councilman Pettyjohn to amended his motion by adding for a period of 24 months, seconded by Councilman Ricker. **APPROVED (unanimous)**.

Rudy McAdams, updated Council on the progress of the project to date.

7. WHISPERING BREEZE – PRELIMINARY SITE PLAN APPROVAL – CASE #2007-19

A zoning application by Engineering Consultants International, LLC representing Whispering Breeze on behalf of Lynne & Charles Mason, Market Street East LLC and CMS Builders from UR3 (Neighborhood Residential) and HC (Highway Commercial) to HC (Highway Commercial) and UR1 (Urban Residential) with RPC (Residential Planned Community) overlay zoning district for the property identified as Sussex County Tax Map 135-19.00-64.00 and 65.00. The property is located southwest of Route 113.

Gary Cuppels presented the Council with an overview and status of the project to date.

Councilman Ricker asked about funding that was necessary for improvements to the intersection, how much is DelDOT funded and how much is Developer funded.

Gary Cuppels stated the proposed fly-over (overpass) is federally funded and funding affecting the immediate improvements, the developer is 100% responsible for to DelDOT standards.

Councilman Ricker wanted to confirm if the modifications by the Planning Commission on December 17, 2008 have been addressed. Modifications as follows: (1) Removal of lots 15 – 29 and re-distribution as duplexes in the upper section of the development (2) Plan modified to show parking as required in the Town's Code, excluding the Community Center.

Gary Cuppels, confirmed that modifications by the Planning Commission (1) and (2) have been met.

Councilman Ricker, and modification (3) all contingent on the rezoning being approved at final, isn't that a bit risky.

Gray Cuppels, yes it is, but the owners of the property, currently zoned HC (Highway Commercial) would not allow the down zoning of the property until final approval from Council, which will happen simultaneously.

Gene Dvornick, at the time of presentation before Council that recommendation was with the guidance of Town Solicitor, Jim Fuqua.

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to grant preliminary site plan approval for Whispering Breeze Case #2007-19. **APPROVED (unanimous).**

8. THE SHOPS AT COLLEGE PARK – FINAL SUBDIVISION/SITE PLAN APPROVAL – CASE #2007-08

An application by Becker Morgan Group, Inc on behalf of Sussex Entertainment, LLC for preliminary subdivision approval of nine lots to be developed as a commercial/retail and office complex. The property is located northwest of DE Route 18/404 and US Route 113, Georgetown, DE identified as Sussex County Tax District 135 Map 14.00 Parcel 35.00 and is zoned Highway Commercial (HC).

Garth Jones, Becker Morgan Group Inc, 42 acres 9 lots with 16 buildings

The installation of a new well is required, minimum of 250gpm located on one of the lots and dedicated to the town, sewer pump station upgrades will be made, an increase in pump stations will occur, and sewer flows will be re-directed. Improvements to roundabout will be made along with numerous off road improvements, and a service road will provide connectivity to the Comfort Inn and Hardees.

The applicant has received letters of no objection from DelDOT and the Conservation District. Waiting on DNREC Drainage Section for a work order change to reduce right-of-ways in certain areas along the Vaughn Tax Ditch. Has Approval from the Office of Drinking Water for the water distribution system. Waiting for DNREC to approve the sanitary sewer system, State wetlands permit should be done by the end of the month, with the Federal permit to follow.

Council had previously requested a copy of the Traffic Impact Study which was supplied at tonight's meeting. Garth Jones presented the Council with an overview of the study.

Councilman Ricker, stated for the record, "This is going to be a mess."

Councilman Koskey, voiced concerns with the buffering in front of Del-Tech, and has that been addressed.

Garth Jones, by recommendation by the Planning Commission additional parking was eliminated along 18/404 creating additional buffer and berm area in addition all the buildings along 18/404 will be double faced to mimic store fronts.

Councilman Ricker, I am amazed the DelDOT would allow a project like this with all the red lights, turn lands, and through lanes along 18/404 creating congestion, is not requiring an access road of some sort within the project.

Councilman Barlow, I am very disappointed in the appearance of the buildings, not at all attractive.

Councilman Ricker addressed the recommendation/condition from the Planning Commission, July 16, 2008: That parking along Route 18/404 be eliminated from three office buildings and replaced with green buffer.

Garth Jones, yes that item has been addressed.

Tim Willard, Town Solicitor, the code requires that all agency approvals have been acquired prior to granting final approval.

Garth Jones, I guess what I'm asking for is a conditional final approval contingent upon approvals.

Motion by Councilman Pettyjohn, seconded by Councilman Koskey, to grant final subdivision/site plan approval contingent upon the Public Works Agreement and obtaining and certification of all outside approvals.

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

9. JESUS IS LORD CHURCH OF DELIVERANCE – PRELIMINARY /FINAL SITE PLAN APPROVAL – CASE #2006-39

An application by Axiom Engineering on behalf of Jesus is Lord Church of Deliverance Inc. for the preliminary/final site plan review for the construction of a 29,840 square foot multi-purpose/school building. The property is located at 40 Ingramtown Road, Georgetown, DE identified as Sussex County Tax District 135 Map 15.17 Parcel 116.00 and 115.02 and is zoned UR1 (Urban Residential).

Dennis Schrader, Attorney and Bishop Eggleston presented the Council with an overview of the project.

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to grant preliminary/final site plan approval for Jesus is Lord Church of Deliverance – Case #2006-39 contingent upon a Performance Bond at 150%, for parking areas, storm water management, lighting, and landscaping prior to receiving a building permit.

APPROVED (unanimous).

10. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Infrastructure Project Summary

The Town of Georgetown submitted infrastructure projects totaling \$11,200,000.00 for consolidation with other members of Sussex County Association of Towns. The total request, including Sussex County items, was \$254,587,812.00 (our portion represented 4.4% of the total).

Municipal Street Aid

The Town has received \$82,864.18 representing the second half of our Municipal Street Aid for FY 2009 from the State of Delaware.

Budget versus Actual – Eight Months (66.0% of the Year)

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
<u>Revenue</u>				
General Fund	\$2,827,200	\$2,459,473	\$367,727	87%
Water Fund	\$1,320,050	\$747,268	\$572,782	57%
Sewer Fund	\$1,653,750	\$1,058,907	\$594,843	64%
Total	<u>\$5,801,000</u>	<u>\$4,265,649</u>	<u>\$1,535,351</u>	<u>74%</u>

Expenditures

General Fund	\$3,481,091	\$2,385,935	\$1,095,156	69%
Water Fund	\$826,521	\$637,240	\$189,281	77%
Sewer Fund	\$1,493,388	\$980,461	\$512,927	66%
Total	<u>\$5,801,000</u>	<u>\$4,003,637</u>	<u>\$1,797,363</u>	<u>69%</u>

The monthly report has been distributed for your review.

Other Key items (versus the same time period last year):

- Real Estate Transfer Tax Revenue, **Down 81.95%**
- Building Permit Revenue, **Up 31.53%**

FY 2010 Budget

The Town has begun work on our FY 2010 budget. We are looking at an extremely tight financial position. All departments will be analyzing their operating expenses as we go through our process.

84 Lumber Closed

The Town received notification on Monday, January 12 from the corporate office of 84 Lumber that the Georgetown location has been closed. At their request, the water has been shut off.

Complus Status

We have targeted March 2009 for start up of the new computerized parking ticket process. The parking ticket design is in the process of being review by legal counsel. We have turned over all outstanding tickets from 2006, 2007 and 2008 to Complus to begin population of the ticket database.

Sports at the Beach – Economic Development Loan

The application will be reviewed by the Sussex County Economic Development Committee on Thursday, January 22, 2009 at 9:00 – Sussex County Council Chambers. Once approved, it will be sent to County Council for consideration. Mr. Fuqua still needs to draft the personal guarantees and the paperwork for the Town of Georgetown to be in second position, behind Wilmington Trust Company.

Miscellaneous:

- The Annual Legislative Crab Feast has been scheduled for Monday, January 26 at 6:00 PM.
- At the December Council Meeting a resident raised concern about sidewalks in Town – I have scheduled a walking tour with the resident for Thursday, January 22.
 - On Friday, January 16 at 7:00 there will be an Interfaith Prayer Service at the Carter Partnership Center (DICC) leading off a week of inaugural activities for the Governor-elect and Lieutenant Governor-elect.
 - A Public Hearing on the tavern license application for Hudson's Billiards & Arcade (128 E. Market Street) has been scheduled for Thursday, February 5 at 5:00 PM, Sussex County Council Chambers.
 - Town offices will be closed on Monday, January 19 in observance of the Martin Luther King Holiday.
 - Delaware League of Local Governments meeting will be held on Thursday, January 22 at the Dover Sheraton.

B. BILL BRADLEY – DIRECTOR OF PUBLIC WORKS

The Public Works has been doing service and maintenance on equipment and vehicles. All vehicles have been through inspection.

We are working on storm drains cleaning and repairing catch basins throughout the town. The Town Council started a RV dumping station for town residents in April, at this time three residents have used it eight times.

We have a person once a week checking street lights and recording the ones that are out reporting them to Delmarva Power & Light. Angie is running a log of when they are reported and when they were repaired.

We have had both water towers completely painted inside and out. The Lynch Lane tower had some chipping but was repainted, we will check the workmanship again after winter but we have a 10 year contract so everything is covered and everything appears to be fine.

Del-Tech has installed water meters to the campus this will give the town and the college more accurate readings eliminating the old sewer meters that we have had in the past making the billing more accurate.

The Town has flowed 258,180,010 gallons of water this year this is 26,966,245 gallons less than last year, with all the water plants and wells are running fine at this time.

Councilman Koskey asked about the periodic testing that was agreed to with Sussex County in regards to contaminants, Councilman Koskey asked for a follow-up on this item.

11. 2ND READING & ADOPTION OF ORDINANCES

A. ORDINANCE #2008-23 PROPERTY MAINTENANCE

Requirements for vegetation overhanging streets, sidewalks, or right-of ways. The word “public” was inserted.

Motion by Councilman Barlow, seconded by Councilman Ricker, to adopt Ordinance #2008-23 Property Maintenance. **APPROVED (unanimous).**

“Ordinance 2008-23 is incorporated as part of the minutes.”

12. REPEALING ORDINANCE #2008-21 CONDITIONAL USE SITE PLAN & PROCEDURAL APPROVAL

The Code requires the applicant shall submit a preliminary site plan including a survey showing location. Defined as a preliminary site plan, the fee to be charged is \$1,500.00. There is not much of a review needed if the applicant is not going to make any site changes. The category II site plan review is internal. The Planning Director reviews the plan against a checklist and ensures compliance prior to submittal to the Planning Commission. The application will still be addressed by the Planning Commission as a Conditional Use request, but at a lower fee of \$500.00 as noted in Chapter 98 for a Category II site plan.

Motion by Councilman Pettyjohn, seconded by Councilman Ricker, to adopt Ordinance #2008-24 Repealing Ordinance #2008-21 Conditional Use Site Plan & Procedural Approval. **APPROVED (unanimous).**

“Ordinance #2008-24 is incorporated as part of the minutes.”

Motion by Councilman Ricker, seconded by Councilman Koskey, to adopt Ordinance #2008-25 Conditional Use Site Plan & Procedural Approval.

APPROVED (unanimous).

“Ordinance #2008-25 is incorporated as part of the minutes.”

13. PUBLIC COMMENT

A thank note was received from the Greater Georgetown Chamber of Commerce for the Town's generosity in donating towards the Christmas Parade.

14. EXECUTIVE SESSION

The Town Council will meet in Executive Session to discuss pending litigation and possible land acquisition.

Motion by Councilman Pettyjohn, seconded by Councilman Ricker, to adjourn to Executive Session at 8:35pm. **APPROVED (unanimous)**

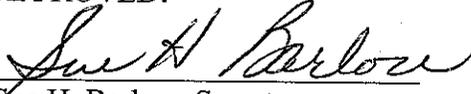
Town Council exited Executive Session at 8:50p.m.

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to authorize the Town Manager to proceed with the real estate plans as discussed during Executive Session. **APPROVED (unanimous).**

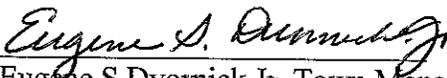
15. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Koskey, to adjourn at 8:51p.m. **APPROVED (unanimous).**

APPROVED:


Sue H. Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager