

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, May 13, 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
Bill Bradley, Dir of Public Works
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 asked for a moment of silence.

3. ADOPTION OF AGENDA

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

4. APPROVAL OF APRIL 22, 2009 TOWN COUNCIL MINUTES

Motion by Councilman Ricker, seconded by Councilman Koskey, to approve the April 22, 2009 Council Minutes, as presented. **APPROVED (unanimous).**

5. BOARD OF ADJUSTMENT APPOINTMENTS

Ann Behrens and Eric Evans seats have expired, each have submitted letters of interest for re-appointment.

Motion by Councilman Ricker, seconded by Councilman Koskey, to approve the recommendation of the appointment of Ann Behrens and Eric Evans to the Board of Adjustment. **APPROVED (unanimous).**

6. K & L SALES, INC – LOUIS THIBAUT JR

Discussion of business license and entrance permit for Lancaster Storage Sheds. Louis Thibault Jr requested to be place on the agenda to discuss the legality of Lancaster Storage Sheds having no business license or DelDOT entrance permit. Town Manager presented Mr Thibault with a time line of correspondence with DelDOI and the Town of Georgetown. Jim Fuqua, Town Solicitor understood Mr Thibault's frustration. The Town Manager explained the reason for not having the required outside approvals was due to the property being tied up in litigation. At this time DelDOT (Jimez Norwood) will not place a jersey barrier at the entrance until the work currently being done on US113 is completed, estimated at 2 weeks. The owner is aware that they will receive fines from the Town.

Councilman Pettyjohn: The Town issued a Cease & Desist Order August 14, 2008. What other options does the Town have to shut down a business operating illegally outside of fining?

Town Manager: I'm not sure the Town has any other option, that's why I've met with Mr Fuqua, in addition the Code Enforcement Officer, Tom Klein and myself have

visited the property to meet with the owner, informing them of being in violation and the fines involved. I'm not sure what more we can physically do in this case.
Councilman Ricker: Since the Cease & Desist order was issued August 14, 2008 can the fines be retro-active back to August 2008 at \$100.00 per day?

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to direct Mr Dvornick and Mr Fuqua to move forward on action of a restraining order with enforcement of obtaining a business license or ceasing operations with all appropriate fines. **APPROVED (unanimous).**

7. **111 & 115 EAST PINE STREET – BATTLE ROBINSON & SYLVIA SHORT CALHOUN**

Battle Robinson presented the Council with a brief history of the property. Mrs Robinson and Mrs Calhoun have contacted the County in efforts to save 111 & 115 East Pine Street. Their most recent offer was to buy the lot for sale beside Domino's Pizza, transferring this property to the County for parking in addition to giving the County 12 parking spaces on the lots behind 111 & 115 East Pine St and also give the County \$10,000.00. This offer is till pending before the County Council. We would also renovate these properties with historic accuracy, one being used as a residence and the other as office space. This option would benefit the Town having two properties with increased value added to the tax base in addition to the Town not having to fund the restoration. My goal for being here tonight is to ask the Town for their support in our efforts in obtaining 111 & 115 East Pine Street.

Motion by Councilman Ricker, seconded by Councilman Koskey, to support the efforts of Mrs. Robinson & Mrs. Calhoun with the land swap as long as it does not effect the current agreement with Sussex County. **APPROVED (unanimous).**

Councilman Pettyjohn appreciated the efforts of the Council and Mrs Robinson and Mrs Calhoun in their efforts and hard work to save these properties. The Council at times has limited power and it takes the efforts of the citizens of the Town to come together and make things happen a little bit quicker. I applaud your efforts.

Councilman Ricker and Mayor Lambden echoed Councilman Pettyjohn's comments.

8. **DEPARTMENTAL REPORTS**
A. GENE DVORNICK – TOWN MANAGER

Auditing Services Contract Renewal

The Town has received a proposal from Jefferson, Urian, Doane & Sterner, PA for auditing services April 30, 2009 – April 30, 2011. The proposal is as follows:

<u>Period</u>	<u>Ending</u>	<u>Fee</u>	<u>Increase</u>	<u>%</u>	
	04/30/08	\$17,850.00			Current
	04/30/09	\$20,500.00	\$2,650.00	15%	Proposed
	04/30/10	\$21,000.00	\$ 500.00	2%	Proposed
	04/30/11	\$21,500.00	\$ 500.00	2%	Proposed

The 15% increase over the contract currently expiring is primarily due to increased responsibilities being placed on the requirements relating to the performance of the audit.

Councilman Koskey: Were the auditing services put out for bid?

Town Manager: No they were not. They have been our auditor for years and dealing with other non-profit organizations I have found that bid prices would be significantly higher than \$20,000.00. In addition it's not a requirement to bid out Professional Services.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to approve the three year audit engagement with Jefferson, Urian, Doane & Sterner, PA.
APPROVED 4-1 Yea: Barlow, Ricker, Pettyjohn, Lambden Nay: Koskey

Georgetown Transit/Transfer Hub

The Town of Georgetown has been approached with regard to the placement of a public transit/transfer (bus) hub on the property currently leased from Norfolk Southern. This would be placed on the parcel located to the east, along North Railroad Avenue, closest to the intersection with Cedar Street.

The existing hub at Delaware Technical and Community College is scheduled to close in December 2009. A final decision, by Delaware Transit Corporation (DIC) is needed by August 2009 to allow for schedule printing. Norfolk Southern has been contacted to get their non-objection.

Motion by Councilman Barlow, seconded by Councilman Koskey, to endorse the effort to locate a Transit/Transfer hub on the area leased by the Town of Georgetown from Norfolk Southern.
APPROVED (unanimous).

Transfer Tax Revenue Bank Account

The Town has met with M & T Bank to open a bank account solely for Transfer Tax Revenue. This will keep those funds segregated from the General Fund and we can use them as needed for capital projects.

Motion by Councilman Koskey, seconded by Councilman Ricker, to authorize the Town Manager on opening an account at M & I Bank for deposit of Transfer Tax Revenues.

Town Manager: If you would please modify that motion to authorize the "Town" to open an account.

Motion by Councilman Koskey, seconded by Councilman Barlow, to authorize the Town Council to opening an account at M & T Bank for deposit of Transfer Tax Revenues. **APPROVED (unanimous).**

Community Video Guide

The Community Video Guide has been completed and is in the process of being put into production. It is anticipated it will be completed and placed on our website within the next month.

Circle Lighting Project

The Circle lighting project is complete. There is one light fixture with damaged ballast – we are in the process of getting it replaced.

Memorandum of Understanding – Town of Ocean View

The Town of Ocean View has requested the Town of Georgetown's assistance in the event of a sever weather emergency (Nor'easter, hurricane, Flood, etc.). The request is to allow Ocean View to relocate vehicles to our maintenance yard, away from the potential danger.

Motion by Councilman Ricker, seconded by Councilman Barlow, to authorize a Weather Emergency MOU with the Town of Ocean View. **APPROVED** (unanimous).

Complus Ticketing

The Town began using our new handheld ticketing device on April 7, 2009. We issued 161 violations. One feature, the ability to identify vehicles eligible for "booting", identified a vehicle with \$160.00 outstanding in fines. The owner has paid in full. I have distributed an aging report as of April 30, 2009.

Budget versus Actual – Twelve Months (100% of the Year)

<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
General Fund	\$2,827,200	\$3,042,784	(\$215,584)	108%
Water Fund	\$1,320,050	\$1,414,440	(\$94,390)	107%
Sewer Fund	\$1,653,750	\$2,384,452	(\$730,702)	144%
Total	<u>\$5,801,000</u>	<u>\$6,841,676</u>	<u>(\$1,040,676)</u>	<u>118%</u>
<u>Expenditures</u>				
General Fund	\$3,481,091	\$3,577,652	(\$96,561)	103%
Water Fund	\$826,521	\$855,163	(\$28,642)	103%
Sewer Fund	\$1,493,388	\$1,400,367	\$93,021	94%
Total	<u>\$5,801,000</u>	<u>\$5,833,182</u>	<u>(\$32,182)</u>	<u>101%</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 78.36%**
- Building Permit Revenue – did start to see some multifamily residential and commercial permits, **Up 30.64%**

South Bedford Street Pump Station Upgrade

Water Pollution Control Revolving Loan Fund (\$490,000)

The Town has received a proposal from Davis, Bowen & Friedel in the amount of \$31,500 for design services of the South Bedford Street Pump Station Upgrade. This will be included in the total project cost on our application.

Motion by Councilman Ricker, seconded by Councilman Barlow, to authorize the Town Manager to sign the proposal for design services for the South Bedford Street Pump Station Upgrade. **APPROVED** (unanimous).

Identity Theft Program – Resolution 2009-5

To be in compliance with the Fair and Accurate Credit Transaction Act of 2003, the Town has drafted an Identity Theft Policy (to be introduced at the May 27th Council Meeting). This Resolution outlines the Town's responsibility. The policy will outline pertinent rules regarding the sharing of information and protection of individual identity information.

Miscellaneous

- Clover Drive Sewer Line repair has been completed. We are very fortunate it was only one lateral having issue; however, it will be costly due to the dewatering required. Thanks to all the residents of the Meadows for being patient during the work.
- The Town has joined the DeLea Founders Insurance Trust (DFIT) Group Property & Casualty Program. This is sponsored by the Delaware League of Local

Governments. The savings on our premium, compared with our previous carrier (Traveler's) was approximately \$13,212.

- Thank you to the Georgetown Police Department for their responsiveness on May 1, 2009, to the explosive device located in a residence on East Market Street.
- The Sussex County Prayer Breakfast will be held this Friday, May 15, 2009 at 7:30 am – CHEER Center.
- I would like to recognize Olga Fink on the completion of her MBA at Wilmington University. Her graduation was this past Monday; she completed her studies with a GPA of 3.95.
- The Town has sent out 90 notices of grass, 2 days have been added to the deadline due to all the rain.
- Memorial Day Service is scheduled for Sunday, May 24, 2009 at 1:30pm
- Sports at the Beach was notified at the direction of Council, of their delinquent invoice in the amount \$41,580 with penalties incurred as of today is \$60,291. The 2008 EDU rate is \$6,930 per EDU that amount will increase 5% for 2009. A meeting is scheduled with Pete Townsend for tomorrow at 9:00am.

B. BILL BRADLEY – DIRECTOR OF PUBLIC WORKS

The Meadows sewer line has been repaired. A 45 coupling was broke and had pushed the lateral backwards; this was believed to have been done when the development was being constructed. This allowed dirt to pass into the sewer system and over a period of time caused a void which collapsed the roadway. This also required us to replace the lateral to the cleanout due to bending the pipe. While replacing the lateral we found the electric company had bored through the center of the lateral. At this time we are going to repave and do yard restoration in house to help keep the cost down.

We have scheduled C&J Paving for Wednesday May 20th, to mill and repave East Market, West Market, and South Bedford Street water leak road repairs. Representatives Joe Booth and Thurman Adams have agreed to fund this project for the Town being they are State roadways.

We are working on a design to repair Love alley and Strawberry alley hopefully the repairs can be done with grading and paving with out any pipe work.

County Seat Apartments has set 2 manholes and mainline piping on their property and ran the force main up Vaughn road to the area of the new pump station. It is unknown at this time when the station will be started, still waiting on submittals from the Developer and approvals from the Town.

We have had 15 water leaks in Town since January 17th. that's an average of 3 per month. Five (5) of the leaks have been on the State roads - Bedford & Market Streets.

9. 2ND READING & ADOPTION OF ORDINANCES

A. ORDINANCE 2009-9 POLE/WIRE TAX RATES

The proposed changes in tax rates were discussed as part of the budget proposal and needs formal action by the Town Council to become effective.

Motion by Councilman Ricker, seconded by Councilman Barlow, to adopt Ordinance 2009-9 Pole/Wire Tax Rates. **APPROVED (unanimous).**

“The Ordinance is incorporated as part of the minutes.”

10. PUBLIC COMMENT

Hattie Kollock, 613 Edward Street, presented the Council with fence designs to be placed on the back and front of her property. Since there is an issue with the placement of the fence on Town property Ms Kollock is asking for the Town's permission to place signs on the property asking to keep off the grass.

Councilman Pettyjohn: At the last meeting we explained that any further discussion be placed on the regular agenda. Public comment is not the appropriate form to be discussing this item. We cannot make any decisions on this tonight during public comment. It needs to be placed on the regular agenda for May 27th and properly advertised.

Peggy Parkinson, Lancaster Storage Sheds, 22044 DuPont Hwy, I have worked there for 18 years, up until 2008 Lancaster Storage Sheds had a business license. It is my understanding that in order to receive a business license we need an entrance permit, which the owners cannot get due to the property is under litigation. We've taken our sign down.

Jim Fuqua: There has been a lot of conflicting information tonight, the next step is gathering all the information and facts and presenting it to Council for a decision. This item will be placed on a future agenda.

Joe Newell, 21429 Park Ave, voiced concerns for the 30,000 gallons water limit. I have received correspondence from the Town Manger in response to my first appearance before Council, I've sent a response to Council. I'm asking Council to consider moving the water limit to 35,000 gallons versus 30,000.

Town Manager: Out of the 2,029 customers only 68 consumers were affected by reducing the water limit to 30,000.

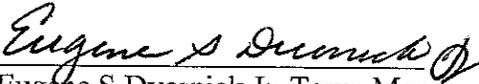
11. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to adjourn at 8:31p.m. **APPROVED (unanimous).**

APPROVED:


Sue H. Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager