TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES

Meeting Date: Wednesday, October 14, 2009
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

PRESENT:
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
Angela Townsend, Town Clerk
Tom Klein, Dir of Planning & Zoning

ABSENT:
Edwin A Lambden, Mayor

7:00 P.M. REGULAR MEETING

1. PLEDGE OF ALLEGIANCE
   Firefighters Sam Bramble and Matt Bennett led the Pledge of Allegiance.

2. INVOCATION
   Vice-Mayor Ricker asked for a moment of silence.

3. ADOPTION OF AGENDA
   ITEM #6 WHISPERING BREEZE DEVELOPMENT – SITE FOR POTENTIAL WIND ENERGY PRODUCTION was deleted.
   Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to adopt the agenda as amended. APPROVED (unanimous).

4. APPROVAL OF SEPTEMBER 23, 2009 TOWN COUNCIL MINUTES
   Motion by Councilman Koskey, seconded by Councilman Barlow, to approve the September 23, 2009 Council Minutes, as presented. APPROVED (unanimous).

5. NRG ENERGY INC - PRESENTATION
   John Robertson, Plant Manager and Mike Mitchell presented Council with an overview of the operations of the plant. NRG Energy is visiting with area towns and civic organizations in the community with the goal of opening the lines of communication. Council members and Town employees were extended an open invitation to tour the plant at anytime.

6. WHISPERING BREEZE DEVELOPMENT – SITE FOR POTENTIAL WIND ENERGY PRODUCTION
   Deleted with adoption of the agenda.

7. HIGHWAY ONE/SIXTY TWO ACRES – REVISED ANNEXATION AGREEMENT
   Highway One/Sixty Two Acres appeared before Council on August 12th seeking relief from the current annexation agreement requirements. The revised amended agreement has been reviewed by the Town Manager and Jim Fuqua, Town Solicitor. The revised amended agreement references the parcels in question, generalizes the outline of development of the commercial and residential area, calls for the reimbursement of fees for sewer and water impact, and outlines the annexation fees that were paid. Steven Spence, Attorney for Highway One/Sixty Two Acres: Stated that if this agreement is approved it would remove any existing commitment on the part of the Town for a fixed impact fee. Impact fees would be negotiated at the time of final site
plan approval as to what the fixed rate is. The prior annexation agreement referenced the fact that it would be recorded which it was not. If the Town so desires that the amended agreement be recorded, we will do so. Parcel 10 (the Short property) was referenced on the previous annexation agreement, and no longer exists, due to being combined with other parcels by the County.

Vice-Mayor Ricker: What is the difference in Second Amended Agreement in our notebook and the new Amended Agreement we received tonight?

Town Manager: Item C in reference to commercial property, the 325,000sq ft was removed making it more generalized.

Vice-Mayor Ricker: Is this project going to move forward or remain on the market?

John Snow: Stated that a meeting is planned for Wednesday with a group from Pennsylvania who are interested in developing the property.

Motion by Councilman Koskey, seconded by Councilman Pettyjohn, to approve the Second Amended Annexation Agreement. **APPROVED (unanimous).**

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

8. VILLAGE OF COLLEGE PARK – CASE #2006-33 - REVISED CONCEPT/ANNEXATION AGREEMENT

An annexation application by Morris & Ritchie Associates, Inc on behalf of Sussex Entertainment LLC for the revised Conceptual RPC site plan review recommendation of approval to Town Council. The property identified as Sussex County Tax District 135 Map 14.00 Parcels 31.01 zoned Multi Family Residential (MRI) with a Residential Planned Community overlay (RPC) and parcel 35.00 zoned Highway Commercial (HC). The property is located west of Route 113 and North of Route 18/404. The annexation request was approved at the January 9, 2009 Council meeting; Annexation Agreement was approved February 25, 2009.

Phil Tolliver, Morris & Ritchie Associates – In July 2009 the owners of the property contacted Morris & Ritchie Associates seeking a way to improve the project in addition to incorporating the Town’s comments and concerns before submitting for preliminary approval. Their feelings were as the market conditions were reviewed duplexes, multiplexes, condos, and senior housing are not selling, and apartments are. The revised concept proposal is to add more single family, townhouses, apartments, better blend of open space, community sense, and consolidation of stormwater ponds. The goal tonight is to move forward to the preliminary plan stage using the updated concept plan.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to forward the revised annexation agreement to Jim Fuqua, Town Solicitor and Gene Dvornick, Town Manager for review.

Motion by Councilman Pettyjohn, seconded by Councilman Koskey to grant the Village of College Park – Case #2006-33 revised concept plan approval enabling the applicant to move forward with preliminary approval. **APPROVED (unanimous).**

9. THE FOUNTAINS OF GEORGETOWN – CASE #2005-04 - FINAL SITE PLAN APPROVAL

An application by Axiom Engineering, on behalf of Village Developers, Inc., for the recommendation of final subdivision/RRPC (Retirement Residential Planned
Community) approval. The properties are located between Little Road, Route 9 and Trap Pond Road, identified as Sussex County Tax District 135 Map 19.00 Parcels 30.00, 32.00 & 41.00 and are zoned Urban Residential (UR1) & Neighborhood Residential (UR3) with an RRPC overlay. Ken Christenbury, Axiom Engineering, has received Planning Commission and outside agencies approval. Tim Hodges, Village Developers, Inc was also in attendance.

Motion by Councilman Barlow to grant final site plan approval for The Fountains of Georgetown, Case #2005-04.

Councilman Pettyjohn suggested amending the motion by adding approval contingent upon the recommendations for the Planning Commission.

Motion amended by Councilman Barlow, seconded by Councilman Koskey to grant final site plan approval for the Fountains of Georgetown, Case# 2005-04, with the following contingencies: address Town Engineer’s comments, address a Public Works Agreement approved by the Town Council, provide a copy of the HOA Agreement for approval by the Town Solicitor, and provide a DelDOT entrance permit prior to receiving a building permit. APPROVED (unanimous).

10. DEPARTMENTAL REPORTS
A. GENE DVORNICK – TOWN MANAGER

Transit Hub Update
DART has completed the initial site assessment, consisting of soil borings, and in the next week or two. This work is associated with the proposed location of the transit hub along North Railroad Avenue.

2009 Trick or Treat
Trick or Treat will be held on Saturday, October 31 from 6:00 PM to 8:00 PM. The media has been notified and this is posted on the Town website.

Energy Efficiency Conservation Block Grant
The Town has received the Official Notice of Award for the $50,000.00 grant. Over the next few weeks we will begin work on the items submitted in our application.

USDA Community Development Initiative
Is included in a group of municipalities, including Blades, Bridgeville, Laurel, Millsboro and Selbyville; pursuing grant funds to establish a hub for economic development activities in Sussex County—creating a Sussex Business Resource Center to establish a regional platform for economic development efforts, providing analysis to support economic development decision making, and delivering training to build a community of informed economic development practitioners in Sussex County. We are currently in the application phase. It is anticipated that there will be no cost to the Town.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to authorize the Town Manager to sign a USDA Assurance Agreement to be included with the combined application. APPROVED (unanimous).

South Bedford Street Pump Station
The pre-bid meeting for the South Bedford Street Pump Station upgrade was held this morning at Town Hall. A total of Five (5) potential bidders attended. The bid opening will be held on Friday, November 6, 2009, 3:00 PM at Town Hall.
Delmarva Power Site Clean Up
Soil removal at the former substation site located on North Race Street is currently in process – all work is being done in compliance with the plan reviewed with Bill Bradley.

Roadway Rehabilitation
Thanks to the generosity of Senator Booth and Representative Briggs-King the Town has completed rehabilitation of the following:
- Clover Drive (area of sewer line repair)
- Section of Cooper Alley (Love Lane to N Front Street)
- Love Lane (W Laurel to Rear of Family Court)
- Strawberry Alley (S Front to Love Lane)
- Lone Lane (Strawberry Alley to W Pine)
- Access Road/driveway to NAPA Pump Station (off W Pine Street)

Town Facility Upgrades
- Town Hall air conditioning replacement completed on October 1, 2009, total cost $4,785.00.
- The new roof has been completed on the Police Department.

Budget versus Actual – Five Months (42% of the Year)

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<th>Revenue</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance</th>
<th>%</th>
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<tr>
<td>General Fund</td>
<td>$2,732,545</td>
<td>$2,164,127</td>
<td>$568,418</td>
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<td>$920,718</td>
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<td>Sewer Fund</td>
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<td><strong>54%</strong></td>
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<th>Budget</th>
<th>Actual</th>
<th>Variance</th>
<th>%</th>
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<td><strong>$3,181,906</strong></td>
<td><strong>43%</strong></td>
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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 31.14%
  - YTD FY 2008 $313,478
  - YTD FY 2009 $69,416
  - YTD FY 2010 $72,523
- Building Permit Revenue, Down 85.31%

Miscellaneous
- Light Pole Replacement – West Market Street & The Circle
  - Investigated for replacement with Historic Pole
  - Pole is owned by Verizon
  - Town would be responsible for cost to remove, conduit installation, new fixture, providing electric supply (metered)
- Water leaks:
  - Number 34 (in the area of the 200 block – North Bedford Street) was discovered on Monday, October 12 – repair is complete.
  - Number 35 (West Market Street – 200 block) was discovered on Tuesday, October 13 – repair is underway.
- The Town is working with La Esperanza in coordinating a Community Clean Up Day for Saturday, November 7, 2009 (Ward 2) 8:30 - noon
Sports at the Beach have made twenty-one payments towards the Sewer Impact Fees due the Town – I am pleased to report the obligation has been paid in full (original amount due: $41,580.00)

Workshop with Georgetown Downs is scheduled for Tuesday, October 20 at 6:00 PM (Planning & Zoning Office)

DLLG Mayoral Institute is scheduled for Wednesday, October 21 at the Dover Sheraton, All Day

UD-IPA Institute for Local Government Leaders, Monday, October 26, Rehoboth Beach, 8:30 AM – 3:30 PM

“Unite Sussex” Town Hall Meeting, Thursday, November 12, 7:00 PM – 9:00 PM, Georgetown CHEER Center

Delmarva Christian High School contacted the Town regarding their “Return to Community Day” scheduled for Friday, October 30. Three possible projects discussed:
- Trash Clean Up – off Douglas Street and the railroad tracks
- Weeding of The Circle
- Building maintenance on the Robin Hood Thrift Shop

B. TOM KLEIN – DIRECTOR OF PLANNING & ZONING

The Council was presented with total building permits and code enforcement activity for May 2009 thru September 2009. The Planning Department received a draft copy of the Comprehensive Plan on October 5th. Planning Department will be returning the Comp Plan to URDC with noted errors, and email comments that were received. Comprehensive Plan will be on Town Council agenda October 28th. Future Ordinances being worked on: demolition, AR1, transitional housing, and group homes. Council was updated on the following projects: Georgetown East (Food Lion), Royal Farms, Georgetown Square, and Georgetown Commons.

11. PUBLIC COMMENT

Tony Semeraro, 4 Cranberry Ct, suggested replacing the pedestrian crossings on Race & Market Street, and Pine and South Bedford Street.

Thank You was received from Bill Gibbons, Maintenance Superintendent for the State, commending the Town on the repaving of Love Alley behind the Family Court building.

12. ADJOURNMENT

Motion by Councilman Barlow, seconded by Councilman Koskey, to adjourn at 8:23 p.m. APPROVED (unanimous).

APPROVED:

Sue H. Barlow, Secretary

ATTEST:

Eugene S. Dvornick Jr, Town Manager