

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, April 28, 2010  
**Location:** Town Hall, 39 The Circle, Georgetown, DE  
**Time:** 6:45 P.M. Public  
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  
Bill Topping, Chief of Police

**ABSENT:**

Edwin A Lambden, Mayor

**6:45 P.M. PUBLIC HEARING**

**KGB Properties/16 Mile Brewing Co – Conditional Use - CASE #2008-39**

An application by Brett McCrea on behalf of KGB Properties for a conditional use to allow a beer brewery to be located at 409 & 413 South Bedford Street, identified as Sussex County Tax District 135 Map 20.00 Parcels 50.00 & 50.04 and is currently zoned Neighborhood Business (UB2).

In the original Conditional Use Exhibit A Item #11 states "Conditional Use Application shall be scheduled for review in a public hearing by the Town Council one year after operation begins."

No issues have been received by the Town pro or con on this item. The applicants have not received any comments pro or con on their operation.

No one spoke from the public.

Councilman Koskey inquired as to whose responsibility it is to ensure the applicant appears before Town Council for a public hearing.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow to close the Public Hearing. **APPROVED (unanimous).**

Public Hearing Closed at 6:53

**7:00 P.M. REGULAR MEETING**

**1. PLEDGE OF ALLEGIANCE**

Vice-Mayor Ricker led the Pledge of Allegiance.

**2. INVOCATION**

Vice-Mayor Ricker asked for a moment of silence.

**3. ADOPTION OF AGENDA**

**ITEM #10A EXECUTIVE SESSION** was added for the discussion of pending or potential litigation.

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

4. **APPROVAL OF TOWN COUNCIL MEETING MINUTES**

**A. APRIL 14, 2010 TOWN COUNCIL MINUTES**

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

**B. APRIL 16, 2010 TOWN COUNCIL SPECIAL MEETING MINUTES**

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

5. **37 THE CIRCLE DESIGN PRESENTATION – DTCC ARCHITECTURAL ENGINEERING STUDENTS**

DTCC Architectural Engineering Students, Jantzen Burton, Miglena Ilieva, Aaron Outten, and Ian Trudeau presented the Council with an overview of the proposed design of 37 The Circle. Building 39 and Building 37 provide space for Town meetings, Administration, and the Finance, and Planning & Zoning Department. Sustainable building concepts are incorporated in the new design. The design is cost efficient without sacrificing aesthetics. The renovation of building 37 and the reuse of building 39 contribute to efficiency serving all residents of Georgetown. The design was presented to the Planning Commission on April 21, 10 for their comments and recommendations. The final design presentation will be submitted to the Town the first meeting in May.

6. **INTRODUCTION OF ANNEXATION APPLICATION – CASE #2010-09 – GEORGETOWN DOWNS PROPERTIES LLC/KENT STORAGE FACILITIES LLC/LORALEX COMPANY LLC**

An annexation application by Jeff C Clark, Land Tech Land Planning LLC on behalf of Georgetown Downs Properties LLC/Kent Storage Facilities LLC/Loralex Company LLC for the annexation of 77.68 acres, located on the North side of Rt 18 Lewes-Georgetown Highway. The site is comprised of two parcels designated as tax map 1-35-15.00-55.01, and 1-35-15.00-55.06. The site is located in Sussex County but borders on the municipal line of the Town of Georgetown along its western boundaries. The application proposes that the site be annexed into the Town of Georgetown and the site zoned as HC (Highway Commercial).

An Annexation Committee will need to be appointed, a public hearing is being scheduled for May 26<sup>th</sup> at 6:30pm, and the Annexation Committee will need to report its findings to the Town Council no later than June 23, 2010

Jeff Clark, Land Tech Land Planning LLC, gave a brief overview of the project. Included in the application are letters of service from the American Legion, Sussex Post #8 Ambulance Service and Delmarva Power. The project engineer did a study on sewer & water flows along with flow data from the Harrington project which has been submitted, so the Plan of Services can be reviewed by the Town. More information will be supplied at the scheduled public hearing on May 26, 10 at 6:30pm.

Vice-Mayor, Ricker appointed the Annexation Committee as Council itself with the knowledge they must report back to the Town Council no later than June 23, 2010.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to forward the application to the Planning Commission for review and comment at their May 19<sup>th</sup> meeting. **APPROVED (unanimous)**.

**7. DEMOLITION REQUEST – 7 WEST NORTH STREET**

The Town has received a request to grant a demolition permit for the structure located at 7 West North Street – this request was submitted by the property owner, Drew Abbott. Mr Abbott presented Council with an overview of the property. The structure has been vacant for more than 35 years and is not in any condition to be lived in. The property has been used for storage.

Mr Abbott would like the record to show that the impact fees have been paid along with the quarterly sewer & water bills, and if the demolition request is granted Mr Abbott will continue to pay the availability charge. Mr Abbott also understands he is required to use the existing footprint to build a new structure.

Motion by Councilman Koskey, seconded Councilman Pettyjohn to approve the demolition request of 7 West North Street. Let the record and motion reflect the impact fees have been paid and the property owner will continue to pay availability charges. **APPROVED unanimous).**

**8. KGB PROPERTIES/16 MILE BREWERY CO – REQUEST TO AMEND THE CONDITIONAL USE APPLICATION – CASE #2010-04**

An application by Brett McCrea with 16 Mile Brewing Co., on behalf of KGB Properties, for an amendment to the conditional use approval granted by Town Council on December 10, 2008 to conduct public tours with on site consumption and allow retail sales at 413 South Bedford Street, identified as Sussex County Tax District 135 Map 20.00 Parcels 50.00 & 50.04 zoned Neighborhood Business (UB2).

After conferring with Jim Fuqua, Town Solicitor prior to the meeting, a Public Hearing is required amending any conditions to the original conditions (Exhibit A). Requirement of 15 days for advertising, means scheduling the Public Hearing for May 26, 2010 at 6:45pm.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow to conduct a public hearing for the amended conditional use application for May 26, 2010 at 6:45pm. **APPROVED (unanimous).**

The applicant was given a list of recommendations/suggestions made by the Planning Commission and the Director of Planning & Zoning for Council's consideration upon approval of the amended use.

**9. DEPARTMENTAL REPORTS**  
**A. GENE DVORNICK – TOWN MANAGER**  
**2010 Municipal Election**

The Annual Municipal Election will be held on Saturday, May 8<sup>th</sup> with the polls being open from 1:00 PM to 7:00 PM. The Certified Candidates are as follows:

Mayor:	Brian Pettyjohn Matthew Walsh
Council, Ward 4:	Chester Johnson Anna Besche-Martin

Deadline for voter registration is Friday, April 30 at 4:30.

Absentee ballots are available and need to be returned as follows:

- In Person – No later than 12:00 Noon on Friday, May 7, 2010
- Via Mail Courier – No later than 7:00 PM on Saturday, May 8, 2010

### Circle Planting

I wish to thank Councilman Koskey who has been working with Debbie Quinn on having updated plantings on The Circle. Over the last few days, Mr. Lloyd Mears has been busy trimming bushes, removing overgrown plantings, and edging the walkways. You will soon see Knock Out roses planted in each of the quadrants.

### South Bedford Street Pump Station Upgrade

- Notice to Proceed has been executed with an effective date of April 9, 2010. The contract calls for 180 calendar days for completion bringing the completion date to October 6, 2010.
- Change Order #1 - \$9,958.34 – Flow Meter, Vault, Manhole and cover.

Motion by Councilman Koskey, seconded by Councilman Pettyjohn, to authorize the Town Manager to execute Change Order #1 in the amount of \$9,958.34. **APPROVED** (unanimous).

### Notice of Conciliation – Update

The Town continues to comply with our Notice of Conciliation. We have requested a 30 day extension, until May 31, 2010, for discharge. We are in the process of completing two funding application for Inflow & Infiltration study and repair: (1) USDA in the amount of \$1,000,000 (\$300,000 loan/\$700,000 grant) and (2) Clean Water State Revolving Fund - \$3,000,000 (loan). Additionally, the Town, DBF and DNREC are meeting with Stockley Center on Thursday, April 29, 2010 to discuss the possibility of utilizing their lands for disposal.

### Legislative Items

There are a few pieces of legislation we are watching and offering comment on:

HB 364	Employment Relations	Opposed
TBD	Aubrey Spicer Health Care	Support
SB 234	Universal Recycling	Support
SB 209	Historic Preservation Tax Credit	Support

### Commission Vacancies

In June 2010, the Town will have two seats on the Planning Commission and three seats on the Board of Adjustment become open. Commissioners Robinson and Pederson on the Planning Commission and Commissioners Hovington, McCool and Atkins on the Board of Adjustment terms are expiring. We are currently accepting nominations for these positions.

### Frederick Lane Sewer Connection

The Town has been working with the four (4) property owners on Frederick Lane with respect to joining the Town sewer – these are the final out of town customer we are aware of. A draft Public Works Agreement has been prepared and will be on the May 12, 2010 Agenda for formal action.

### Miscellaneous

- 2010 Water leaks:
  - Number 14: East Market Street – Front of Manlove's Auto Parts
- Upcoming events:
  - Sussex County Association of Towns: May 5, 2010, 6:00 PM – Host is the Town of Bridgeville
  - Meet the Candidate Forums, Hosted by the Georgetown Chamber:
    - Tuesday, May 4, 2010, 6:30 PM – Village of Cinderberry Community Center

- Thursday, May 6, 2010, 6:30 PM – Sussex County Council Chambers
- Police Unity Cycle Tour, Tuesday, May 11, 2010, 8:30 AM – The Circle
- Service Anniversaries for April:
  - Elaine Reynolds Meter Attendant 3 Years

### **B. BILL TOPPING – CHIEF OF POLICE**

The Georgetown Police Department currently consists of 17 sworn officers and two civilian personnel. Our duty shifts are 12 hours and consists of three officers per shift. We have two detectives who work day work and 2 canine units assigned to patrol, and one officer who is on an extended sick leave due to a non duty related injury. We are a full service agency who operates 24 hours per day.

Each Councilman was provided with statistics for the town in addition to statistical data on hours worked by the patrol division. The hours were broken down into different categories for Council's information.

Next week members of the department, along with the Spicer family will be attending dedication and memorial services in the City of Dover for officers in Delaware who have fallen in the line of duty. The dedication will be hold at 6:30pm on Monday across from Legislative Hall. The memorial service will be held on Wednesday, May 5<sup>th</sup> at 12:00pm at the same location. Council is invited to attend those services.

The Police Department is eligible for and I will be applying for a grant from the Department of Justice for \$20,000. It is my intention to use these funds to install a video surveillance system on the Circle.

Officer Bean was requested to assist the Maryland State Police in escorting Naval Academy Midshipmen to the White House. This will take place next week.

The Aubrey Spicer legislation is progressing through the House of Representatives. While it has taken some time, we want to ensure that it is properly constructed to cover Aubrey from the date of her father's death.

The Police Department will be having an open house. This is currently planned for the second week in September; exact dates will be provided as we progress with our preparations.

### **10. PUBLIC COMMENT**

Clayton Townsend, 20293 Ennis Rd, spoke in support of the proposed racetrack/casino in regards to the hotel/motel phase of the project. With the amount of games (approx. 5,000 this year) and families that travel to Sports at the Beach, the area businesses should benefit, in addition to the close proximity to the complex. Councilman Ricker suggested that Mr Townsend let his colleagues at Sports at the Beach know what is proposed with this project and the stages of construction, which could possibly put the hotel/motel phase first.

### **10A. EXECUTIVE SESSION**

Town Council will meet in Executive Session for the discussion of pending or potential litigation.

Motion by Councilman Barlow, seconded by Councilman Koskey, to adjourn to Executive Session at 8:11p.m. **APPROVED (unanimous).**

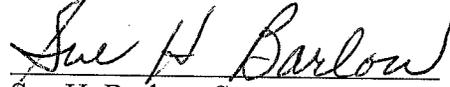
Executive Session exited at 8:37p.m.

Motion by Council Pettyjohn, seconded by Councilman Barlow to act on the items as discussed during Executive Session. **APPROVED** (unanimous).

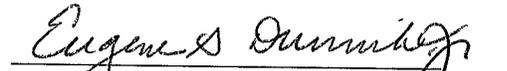
**11. ADJOURNMENT**

Motion by Councilman Koskey, seconded by Councilman Barlow, to adjourn at 8:39p.m. **APPROVED** (unanimous).

APPROVED:

  
Sue H. Barlow, Secretary

ATTEST:

  
Eugene S Dvornick Jr, Town Manager