

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, August 11, 2010  
**Location:** Town Hall, 39 The Circle, Georgetown, DE  
**Time:** 7:00 P.M. Regular Hearing

**PRESENT:**

Brian Pettyjohn, Mayor  
Charlie Koskey, Ward One  
Sue H Barlow, Ward Two  
Bob Ricker, Ward Three  
Annie Besche-Martin, Ward Four

**STAFF PRESENT:**

Eugene S Dvornick Jr, Town Manager  
Angela Townsend, Town Clerk

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

**1. PLEDGE OF ALLEGIANCE**

Mayor Pettyjohn led the Pledge of Allegiance.

**2. INVOCATION**

Mayor Pettyjohn led the Invocation.

**3. ADOPTION OF AGENDA**

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

**4. APPROVAL OF JULY 28, 2010 TOWN COUNCIL MINUTES**

**Correction to #8 VILLAGE OF CINDERBERRY – TELECOMMUNICATION ISSUES striking the words “threatening certain individuals”.**

Motion by Councilman Ricker, seconded by Councilman Barlow, to approve the minutes as amended. **APPROVED (unanimous). Abstained: Koskey**

**Mayor Pettyjohn turned the next agenda item over to Vice-Mayor Ricker.**

**5. CINDERBERRY ESTATES - DEDICATION OF STREETS**

Miles Potter requested to be placed on the agenda asking for Council to accept the dedication of the streets of Cinderberry Estates. Five items that were required for dedication of Cinderberry Streets have been completed. Items: 1) Revised Resolution: Status is the resolution was revised, approved by the Board & signed. 2) Street Signs: Status is Board approved \$500 to pay for signs. 3) Cinder Way culver (zipper drain): Status is the drain was replaced. Hearsay is that the grate was installed upside down. Need a letter from Public Works to get action from Barry Joseph. 4) Easements documents for house connections outside of right-of-way & utility easements: Status is that Barry Joseph provided documents that were then distributed by Barry Joseph, Miles Potter, and Rick Huff. The Town has received 7 of the 15 easements. 5) Descriptions of the right-of-ways to be dedicated: Status is that they are prepared and Barry Joseph signed off for approval, given to Miles Potter to provide to the Town.

Miles Potter: The HOA would allocate sufficient funds for the installation of the signage. Notices were sent by certified letter informing the homeowners of their option should they not sign their easements. The 8<sup>th</sup> easement came in this morning.

Town Manager: In the case of a property owner not signing their easement the Town could have a stop value installed within the Town's right-of-way at that property giving the Town the ability to turn the water off at that one particular house.

Vice-Mayor Ricker: What legal right does the Town have to enter someone's property in the case of a water problem?

Jim Fuqua: Without an easement we (the Town) do not have the legal right to enter the property.

Vice-Mayor Ricker: I recommend the Town notify the remaining homeowners that the Town is placing them on notice that within 90 days of the date of the letter either return of the executed deed of easement or relocation at the property owner's expense the water meter and value into the utility easement granted to the Town. Failing to comply with the notice will result in the Town installing a new meter and value within our utility easement and all costs incurred will be billed to the homeowner.

Motion by Councilman Barlow, seconded by Councilman Koskey, to adopt Resolution 2010-1 Cinderberry Estates – Dedication of Streets. **APPROVED (unanimous)**.

**“Resolution 2010-1 is incorporated as part of the minutes.”**

**Vice-Mayor Ricker turned the meeting back over to Mayor Pettyjohn.**

**6. VILLAGE OF COLLEGE PARK – ANNEXATION AGREEMENT AMENDMENT**

The 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 (MR1) 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.

Council's concerns were with percentages of build out for the construction of the amenities. The proposed amendment addresses that issue:

<u>Facility</u>	<u>Dwelling Units</u>	
	<u>Commence</u>	<u>Complete</u>
Pool and clubhouse	209167	334251
Multipurpose court	125	334 251
Children's Playground	84	209 167
Parks and passive recreation areas	209	376 293
Walking trails and paths	254 209	376-293

Mike Zimmerman, the applicant was present.

Motion by Councilman Barlow, seconded by Councilman Besche-Martin, to approve the Annexation Agreement Amendment. **APPROVED 3-2 Yea:**

**Barlow, Besche-Martin, Pettyjohn      Nay: Koskey, Ricker**

**“Annexation Agreement Amendment is incorporated as part of the minutes.”**

7. **RESOLUTION #2010-8 LOCAL JOBS FOR AMERICA ACT**

Each jurisdiction as a member of DLLG is being asked to support this bill. Mayor Pettyjohn, Councilman Ricker, Councilman Barlow: Was opposed to the bill due to the following reasons: adding considerably to the growing Federal deficit; ability to afford such a program without raising taxes; minimal amounts of funding that may be allotted to Sussex County and smaller municipalities; and the ability for the municipality to maintain added positions when the funding runs out. Councilman Koskey: Was in favor due to not having any strings attached, if the opportunity for help is out there and available why not take advantage of it.

Motion by Councilman Ricker, seconded by Councilman Barlow, to oppose Resolution 2010-8 Local Jobs for America Act HR 4812 in addition to sending a letter to Delaware League of Local Governments expressing our concerns and lack of support. **APPROVED 4-1 Yea: Barlow, Ricker, Besche-Martin, Pettyjohn Nay: Koskey**

8. **DEPARTMENTAL REPORTS**

**A. GENE DVORNICK – TOWN MANAGER**

**FY 2010 Audit**

The Town has received correspondence from our auditor that the audit would not be completed by July 31, 2010. They provided a preliminary draft for review on Friday, August 6 for comments from the Town finance personnel. Once our comments are incorporated, the final statements and audit report will be provided and distributed.

**East Market Street Improvement Project**

The construction bid for the East Market Street Improvement Project (Layton Avenue to King Street) was awarded to Daisy Construction. The total contract price is \$434,387.72, Engineer estimate was \$460,362.27, and the Town's match requirement (14% of total cost) is \$87,637.00. The Town has received from Rep Briggs-King, Senator Booth, and Rep Wilson \$45,000.00 leaving a balance of \$42,637.00 for the Town which will come out of Municipal Street Aid funding.

**Delinquent Property Tax Accounts**

The Town mailed out 108 letters to individuals who are delinquent in paying their property taxes (representing 173 properties, with a total tax due, including penalties, of \$162,174.74). The notice advised that the Town will be publishing the listing of delinquent property taxes on/about September 15 and recommended payment on/before August 31.

**La Red Health Center**

The Town has been working with the La Red Health Center and Sussex Entertainment with respect to the purchase of a site within the Shops at College Park for the construction of a new health center. As utilities (water and sewer) are not currently planned (until full build out of the site) a utility agreement is being drafted to allow for temporary sewer to the Wal-Mart pump station and minor water improvements off Seashore Highway (Route 18/404). One issue has been raised with respect to the road (Carmean Way) – the Town's position is that the roadway was never dedicated to the Town and when future site work is initiated the upgrading will be required.

**Burton Street – Request for Parking Prohibition**

The Town has received numerous complaints about on-street parking along the southern end of Burton Street. A field visit indicates the street narrows from 30',

as you enter from East Market Street, to 20' in the area of the last 10 homes. This creates several access issues and it is recommended that on-street parking be prohibited as indicated in the handout. If agreed to, the Town will notify, in writing, the affected property owners.

Motion by Councilman Ricker, seconded by Councilman Koskey, to approve the restriction of on-street parking along both sides of the southern end of Burton Street. **APPROVED (unanimous).**

### **Miscellaneous**

- 2011 Delmarva Chicken Festival – Site selected as Delmarva Christian High School – dates are June 17 and 18, 2011
- Benefit Beef & Beer – 2<sup>nd</sup> Annual Aubrey Spicer – September 11, 2010, 6:00 pm to 12:00, Georgetown Fire Hall – tickets available at Town Hall
- Reminder: there **will not** be a Town Council Meeting on Wednesday, August 25, 2010. Next Council meeting will be on Wednesday, September 8<sup>th</sup>

### **BILL BRADLEY – DIRECTOR OF PUBLIC WORKS**

Bill Bradley has a family hospitalization he is dealing with.

### **9. PUBLIC COMMENT**

Pat Dolecek, 32 Cinderway, Village of Cinderway, asked for a copy of the July 28<sup>th</sup> Town Council minutes and also asked who represented the Village of Cinderberry at that meeting.

Town Manager: I am not sure there was any representation from Cinderberry just residents expressing concerns.

Pat Dolecek: In that case the issues brought forward referenced in a letter to Mr James indicated there were vast and frequent outages which is not the case. In February we lost our phone service for 14 hours during the snow storm. There are dropped phone calls occasionally which will happen with any communication service. The internet is consistent, high speed; the cable television seems to be working well. The initial installation was very, very shottie. The initial person in charge left, and was taken over by Communications & Wiring under contract by Circle J Communications. Communications & Wiring is also known as One Smart Home. Telephone service at that time was either Cavalier or whoever the homeowner choose, internet was spotty, and everyone was unhappy. There was a meeting, with 2 people brought in. One being One Smart Home using the equipment that was in place and the other was Comcast. Comcast used copper lines; Cinderberry is equipped with fiber optics. The Village voted as a whole to keep what we had, and One Smart Home agreed to continue. To put it mildly we have some citizens that can be quite rude and emotional from time to time, which resulted in One Smart Home to pull out. One Smart Home agreed to stay until Circle J Communications could find another telecommunications systems, at which time Cavalier was chosen. Cavalier discovered that the installation was interior fiber instead of exterior fiber. Cavalier tried to remedy the situation. The contract with Cavalier is for a 7 year period at \$100.00 a month which includes basic cable, high speed internet, and phone service. People are still unhappy, since they did not have a say in the selection of which service would be provided. I understand what the concern is due to needing emergency services from the Town

on numerous occasions. Unless we pay the bills to these people (Cavalier) they will leave and not provide services. I want Council to know there are two sides to this issue, for whatever reason there are people that need to know what the contract states between Cavalier and Circle J Communications, in essence they want to know the profit margin coming to Circle J Communications. We as homeowners do not have a right to know what's in every contract and what the businessman is profiting from that contract. In addition, Channel 4, the person responsible for the notices was doing it without being a fencer; it was being done as it told to him to do. The notice that caused all the commotion initially was not a threat but simply a statement of what could occur if the bills were not paid. The money was being held, the property manager at that time who agreed to stay was SeaScape, and were told that no way they would ever release the money, this was after the election of the new board.

Joyce Betts, resident of Georgetown, inquired to the progress on the Food Lion project.

Town Manager: The Town has been in communication with the real estate manager from Food Lion encouraging them to look at other parcels along US 113 which they have responded back in writing that they are satisfied with their site selection and wish to continue there.

Joyce Betts, inquired as to the property behind the Exxon Station.

Town Manager: The Montchanin Group they're looking into bringing in additional shopping as well as retail, banking and perhaps a hotel.

Janice Mitchell, resident of Village of Cinderberry, thanked Council for the opposition to #7; I wish more communities would do the same thing.

**10. ADJOURNMENT**

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 7:48p.m. **APPROVED (unanimous).**

APPROVED:

  
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Charlie Koskey, Secretary

ATTEST:

  
\_\_\_\_\_  
Eugene S Dvornick Jr, Town Manager