

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, January 13, 2010
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 6:15 P.M. Public Hearing
6:30 P.M. Public Hearing
6:45 P.M. Public Hearing
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
Angela Townsend, Town Clerk
Tom Klein, Dir of Planning & Zoning

6:15 P.M. PUBLIC HEARING

CONDITIONAL USE APPLICATION – CASE#2009-22 – NEITHAMMER BEAUTY SALON

An application by Jeffrey & Kelly Niethammer, for a conditional use to allow the owners to open and run a hair salon in the garage of their single family home. The property is located at 306 Carolyn Street identified as Sussex County Tax District 135 Map 14.20 Parcel 53.00 and zoned Urban Residential (UR1).

The applicants, Kelly and Jeff Neithammer presented the Council with an overview of the application. The proposed salon would be in the existing garage. The only thing replaced would be a door in an existing window area to the driveway to be used as the entrance to the salon. There will be no employees and business is by appointment only.

Conditions discussed include:

1. Property will be used as an owner-operated hair salon.
2. Salon will be operated only in the garage as identified in the site plan.
3. Signage, not to exceed 12" x 24", only on the new exterior door to the garage identifying the use.
4. Hours will be Monday – Thursday from 10 am until 7 pm, Friday & Saturday from 8 am until 3 pm with total hours not to exceed 40 hours per week.
5. Applicant will obtain any and all necessary licenses required.
6. Any retail will be incidental to a hair salon.

The application was heard by the Planning Commission December 16, 2009 and recommended approval to the Town Council subject to the above conditions.

In Favor: No one spoke in favor.

Opposed: No one spoke in opposition.

Motion by Councilman Pettyjohn, seconded by Councilman Ricker to leave the record open for 14 days and placing the item on the January 27th agenda.

Public Hearing was closed at 6:19pm

6:30 P.M. PUBLIC HEARING

EAST MARKET STREET LIGHTING/SIDEWALK PROJECT

Maria V Andaya, Project Planner, DelDOT, Carlos Brown, DelDOT Consultant from PB Consulting, and David A Wood, DelDOT Real Estate Representative presented Council with an overview of the project.

This project was applied for by the Town of Georgetown under DelDOT's Transportation Enhancement (TE) Program. The TE Program is a statewide, federally and state funded matching program that focuses, among others, on the improvement of pedestrian facilities. The project consists of textured sidewalks, curb and curb ramps, pedestrian lighting and minor landscaping on both sides of East Market Street, starting from the northeastern limit of the railroad right-of-way to King Street. The sidewalks will have stamped concrete that imitates the look of brick. This synthetic application is more durable than brick though. There will be 10 new trees that are good for urban areas. They are upright and does not arch over the tight building set backs and the width of the sidewalks. They will not also arch into the road and will not likely cause interference with trucks and larger vehicles. The selection of trees will provide a good variety of colors. There will be 12 decorative street lights to illuminate the sidewalks for pedestrian safety. There will also be a new bus shelter and a bike rack.

Total Project Cost is \$623,000, broken down as follows:

- o Design \$98,000
- o Construction and Construction Management \$525,000

Town of Georgetown's obligation is 14% or \$87,220. Federal and State Funding (86%) will cover the rest. Anticipated construction is Summer 2010 (July or August).

Councilman Ricker asked about the design of the bus shelter, voicing his opinion that the shelter should be of historic design. Councilman Barlow asked about incorporating the current gazebo into a bus shelter.

Wayne Ellingsworth, 107 Burton Street, voiced concerns on the Town's spending of funds of which in his opinion is not a wise thing to do in the present economy. What guarantee does the Town have that the Federal and State monies will be in place to cover the remaining 86% of the project?

Maria V Andaya: The Federal and State portion (86%) has already been budgeted. The monies are in place to cover this project.

Public Hearing was closed at 6:51pm

6:45 P.M. PUBLIC HEARING

SOUTH BEDFORD STREET PUMP STATION UPGRADE PROJECT

The Public Hearing opened at 6:51pm.

Randy Duplechain, DBF presented Council with an overview of the project.

Existing Conditions:

The existing South Bedford Street pump station was built in 1983 as a Lift Station designed to lift sewage from a deep sewer line to a shallow sewer line via a short section of pressurized forcemain. The lift station contains two (2) 2 horsepower pumps located in a single concrete wet well 6 foot in diameter and 19 feet deep. The station isolation and check valves are contained within the vertical piping inside the wet well and are therefore subject to corrosion. The electrical system and pump station controls are old and antiquated and in need of replacement.

The South Bedford station collects sewage from the area of Town along both sides of South Bedford Street from the pump station south to US Route 113 as well as the northern end of Zoar Road. Sewage from this station is pumped into a more shallow gravity sewer line which conveys sewage further north to the Town's Meadow's pump station. The Meadow's station again lifts the sewage to a gravity main that flows to the Town's Main Pump Station. The Main Pump Station then sends all of its sewage to the Stevenson Lane facility where it is pumped a fourth time to the Town's Wastewater Treatment Plant.

Need for the Project:

Downstream of the existing South Bedford Lift Station, the gravity sewer main frequently surcharges during moderate rainfall events. The surcharge problem is made worse by the sewage contributed from the South Bedford Lift Station. To temporarily address the problem, the Department of Public Works has bolted down the manhole lids in this over-utilized section of gravity sewer to prevent the surface discharge of raw sewage. Even during dry weather conditions the pumps downstream of the South Bedford station experience excessive run times. The pump station is more than 25 years old and is in need of an upgrade that will address the mechanical system corrosion issues and modernize the station's electrical system and controls. Furthermore, the multiple pumping of sewage is not advantageous and drives up electrical and mechanical system maintenance costs.

Project Scope:

This project will include the rehabilitation of the existing station and the conversion of the station from a "Lift" Station to a "Pumping" Station with the redirection of its flow to the recently completed regional forcemain. The regional forcemain is presently stubbed to the pump station site and extends directly to the Town's Wastewater Treatment Plant. Connection of this facility to the regional forcemain will eliminate the need for multiple pumping of the sewage and reduce the surcharging of the South Bedford gravity sewer system north of the facility.

The existing 19 foot deep wet well will be retained. All valves and piping within the wet well will be removed and two (2) new larger more efficient sewage pumps will be installed to convey the sewage directly to the treatment plant headworks. To eliminate corrosion a separate valve vault will be constructed adjacent to the existing wet well and will house the necessary isolation valves, check valves and air release valve. All pump station controls will be replaced with new components that will allow for continuous remote monitoring of the station activities. The new electrical and control panels will be housed in a single weatherproof enclosure away from the corrosive environment of the wet well. The existing emergency generator will be replaced with a new generator sized to operate the larger more efficient pumps. Finally a trash basket with associated guide rail system will be installed to prevent large objects from entering the station and damaging the pumps.

Project Funding:

Total cost for the project including contingencies, engineering and administration was estimated at \$490,000.00. Project funding was applied for through the State Revolving Fund (SRF) Program. This program administered by DNREC provides low interest loans to governmental agencies for water quality improvement projects. Terms of the low interest loan at the time the Town submitted the application for funding was anticipated at 3.75% for 20 years. Due to stimulus monies made available by the federal government to the States, the Town was able to obtain a more favorable 2.0% interest rate for this project. This lower-than-normal interest rate was only available for projects that were in a position to move forward quickly with construction. With the reduced interest rate the Town is expected to save on the order of \$100,000.00 over the course of the 20 year payback period.

Project Status:

Engineering construction plans and specifications have been completed and approved by all appropriate governmental review agencies. The project was advertised for construction bids and three (3) bids were received from local contractors. Based on the favorable construction bid climate all bids were under the engineer's estimate with the low bid coming in 10% less than the estimated cost. The next step in the process is for the Town to obtain approval via referendum to borrow from the State no more than \$490,000.00 for this project. If approved, the project can then proceed immediately to construction which will allow the Town to take

advantage of the lower interest rate offered by the SRF program and the advantageous construction bid received for this very important project.

David Anderson, resident, 318 South Bedford Street, asked to the length of time for disruption to his driveway due to construction.

Councilman Pettyjohn informed Mr Anderson that the pump station in question is located south of his property, near Children and Familites First.

Mike Wyatt, 703 East Market Street, Are Impact fees being used to help fund the project?

Town Manager: That is what impact fees are set aside for, but the Town does not have the \$490,000 in impact fees to do the whole project. The Town will only borrow what is necessary to complete the work.

Public Hearing was closed at 7:06pm

7:06 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 Ricker, seconded by Councilman Barlow, to adopt the agenda as written. **APPROVED (unanimous).**

4. **APPROVAL OF NOVEMBER 10, 2009 AND DECEMBER 9, 2009 TOWN COUNCIL MINUTES**

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to approve the November 10, 2009 Town Council minutes. **APPROVED (unanimous).**

Abstained: Ricker

Councilman Koskey's corrections to the December 9, 2009 Minutes, minutes do not reflect that Councilman Koskey was absent.

Motion by Councilman Pettyjohn, seconded by Councilman Ricker, to approve the December 9, 2009 Town Council minutes as corrected. **APPROVED**

(unanimous). Abstained: Koskey

5. **JEFFERSON, URIAN, DOANE & STERNER – FY 2009 AUDIT RESULTS**

Sheldon Forney, Town Auditor, thanked the Council for the opportunity to conduct the FY2009 Audit. Points to consider for the upcoming budget process: Pages 3-7 Executive Summary, Business type activities include Sewer & Water expenses, General Governmental activities include all the other activities of the Town. Page 8 shows all Assests and Liablilites of the Town. Pages 31-34 Total Bonded Indebtedness is approximately \$15,000,000 as of April 30, 2009. Future Debt Service is approximately \$1.3million a year. Page 9 Consolidated Income and Expense of each of the Departments including the Water & Sewer System, in total the Town lost \$373,218 for the year ending April 30, 2009. The losses were covered by existing cash reserves. The General Fund (Non S & W Operations) showed a \$6,000 loss for the year. The loss is small due to the fact that approximately \$200,000 was funded from transfers from the Water & Sewer Operations. The cash reserves are from the collection of impact fees from prior years and have accumulated over prior years. The Council needs to be

aware of making the General Governmental Operations self-supporting if at all possible, which I believe has been the goal for a number of years; unfortunately funds from the Sewer & Water account are still being used.

Councilman Pettyjohn asked is there were areas of concern: On Page 13 shows Actual vs. Budgeted Expenditures, in the operational expenses which reflect small differences, details of these numbers are on Pages 37- 41.

Councilman Ricker asked the cost of the 40± water leaks: The Town Manager will supply Councilman Ricker with those figures.

Councilman Pettyjohn asked is there any other areas of concern: Debt Service of \$1.3million which must be funded annually out of the Water & Sewer, which eating out of your cash reserves is not a prudent thing to do.

6. DEDICATION OF STREETS – CINDERBERRY ESTATES – RESOLUTION #2010-1

Mayor Lambden and Councilman Pettyjohn recused themselves from this agenda item. Mayor Lambden turned the meeting over to Vice-Mayor Ricker.

Miles Potter, President of the HOA, presented the Council with a history of the project. The roads were built 10 years ago, Sewer & Water Infrastructure was bonded roads were not, with a change in Town Managers and Town procedures, 10 years later and the roads are still not dedicated. We are asking the Town to do the right and accept the roads.

Councilman Koskey: What issues exist today and why weren't the roads dedicated before now.

Miles Potter: To honest with you I do not know, there is no documentation that the developer has ever asked for acceptance of the streets. A punch list has recently been done. The Town is looking at some serious money in the future for street repairs.

Town Manager: When I first became Town Manager there were four items: Easements that needed to be identified, signage, roadways, and shut-off valves in the streets that needed to be replaced. I believe the easements were done by Mr Chuck Adams; the signage would be bought, installed by the Town and reimbursed by the Homeowners.

Barry Joseph: I would like to talk about the punch list, the Valve boxes have been taken care, the descriptions of all the easements have taken care of, the alligating on the roads after 10-12 years have held up well. The zipper drain is my responsibility, one area near the Bones property was dug up by the Town, which I feel I have no responsibility for. I believe the reason why the streets were not accepted previously was for the swales, no one knew how to deal with the swales.

Councilman Ricker: What are the expectations of the residents in the next 10-15-20 years, as you heard from our auditor the Town does not have an abundance of money.

Mr Potter: The roads are built to last 10 years after that you need to maintain those roads. No maintenance was ever done on the roads.

Town Manager: The easements have not been recorded, the easements going into residents yards, were noted and that the Town would not be responsible for replacement of ornamental shrubs in order to get to the meter pits.

Councilman Koskey: Items in the proposed Resolution 2010-1 are irrelevant, items 3, 6, and 8, are not necessary and would recommend being stricken from the resolution.

Motion by Councilman Barlow, seconded by Councilman Koskey to table this item until everything is in place with the contingencies as discussed earlier. **APPROVED** (unanimous).

Mr Fuqua, Town Solicitor, reviewed the items: wording, legal descriptions, and preparation of the easements, correct verbage for the traffic and street name signs, revise of the resolution, and zip drain is fixed. The recordation normally is the responsibility of the developer.

7. **RESOLUTION #2010-2 ORDERING SPECIAL ELECTION (REFERENDUM)**

Based on Section 34 of the Town Charter, the Town passed the 1st Resolution (December 9, 2009) setting forth their intent to borrow and to hold a public hearing with due notice provided of such public hearing. The Public Hearing was held earlier this evening. The Council is required to adopt a 2nd resolution ordering a special election which must be held not less than 30 nor more than 60 days after the public hearing with due notice provided for the election. Referendum will be scheduled for Saturday, February 20th from 12:00 pm until 5:00 pm.

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to adopt Resolution #2010-2 Ordering a Special Election (Referendum). **APPROVED** (unanimous).

“Resolution #2010-2 is incorporated as part of the minutes.”

8. **RESOLUTION # 2010-3 CERTIFICATION OF COMPREHENSIVE PLAN**

The adoption of a Comprehensive Plans for each municipality and County is required by the State of Delaware under Delaware Code Title 22

Motion by Councilman Koskey, seconded by Councilman Ricker, to adopt Resolution #2010-3 Certification of Comprehensive Plan. **APPROVED** (unanimous).

“Resolution #2010-3 is incorporated as part of the minutes.”

9. **1ST READING OF ORDINANCES**

A. ORDINANCE #2010-1 ARI AGRICULTURE/RESIDENTIAL DISTRICT

The Town Council recognizes properties located in the proposed annexation area, identified in the Town of Georgetown Comprehensive Plan, to continue their agricultural activities after being annexed into the Town. This zoning district allows land owners the opportunity to delay re-zoning their land until future development decisions can be determined. The regulations set forth in this article are supplemental or modified by the provisions contained in the following articles.

Jim Fuqua, Town Solicitor: From the discussion earlier the ordinance doesn't address any residential use, not that it prohibits any residential use, so we need to look at adding (Detached single-family dwellings) and types of animals allowed.

No action necessary at this time. 2nd reading and adoption if agreeable will be Jan 27th Council meeting.

10. **2ND READING & ADOPTION OF ORDINANCES**

A. ORDINANCE #2009-17 DISTRIBUTION OF PRINTED MATERIALS

Numerous complaints have been received from residents in regards to the litter and debris caused by free weekly newspapers being thrown into yards. As part of the Ordinance the Town Manager is directed to cause a notice, to be published in the Sussex Countian and Sussex Post when the ordinance is passed following the second reading.

Motion by Councilman Ricker, seconded by Councilman Barlow, to adopt Ordinance #2009-17 Distribution of Printed Materials **APPROVED (unanimous)**.
“Ordinance #2009-17 is incorporated as part of the minutes.”

11. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Delaware Solid Waste Authority Rate Increases

The Town of Georgetown will be meeting with Independent Disposal Service (IDS) on Thursday, January 21, to discuss the impact the rate increase from the DSWA will have on trash service offered to the residents of Georgetown.

Community Development Block Grant (CDBG)

The Town is making application for a CDBG Infrastructure project for sidewalks, curb, gutter and storm water drainage along Margaret Street. The estimated construction cost is \$326,500. The Town’s match would be 20% which is \$65,300. This is a grant application only, no funds or commitments have been made.

Delinquent Property Tax Accounts

As of December 18, 2009 we collected \$26,056.95, or 33.8%, of the total principal outstanding (\$77,061.40). The total penalty waived was \$12,358.06.

Budget versus Actual (Dec 09) – Eight Months (67% of the Year)

	<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
General Fund		\$2,732,545	\$2,700,483	\$32,062	99%
Water Fund		\$1,249,450	\$615,850	\$633,600	49%
Sewer Fund		\$1,571,200	\$828,476	\$742,724	53%
Total		\$5,553,195	\$4,144,809	\$1,408,386	75%
<u>Expenditures</u>					
General Fund		\$3,376,331	\$2,357,598	\$1,018,733	70%
Water Fund		\$798,268	\$580,567	\$217,701	73%
Sewer Fund		\$1,378,596	\$1,048,327	\$330,269	76%
Total		\$5,553,195	\$3,986,492	\$1,566,703	72%

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 36.98%**
 - YTD FY 2008 \$405,704
 - YTD FY 2009 \$77,426
 - YTD FY 2010 \$106,060
- Building Permit Revenue, **Down 35.42%**

Transit Hub Update

Installation of the fencing along the railroad tracks has begun. Slowly the area is starting to improve visually. We have requested from DART some statistics as to utilization they are experiencing. To date, I am not aware of any complaints or issues.

Tie In – Del-Tech and County Seat Apartments Pump Station

The Town has received four (4) bids for performing a sewer tie-in from the Del-Tech pump station into the County Seat Apartments pump station. This will afford the ability to redirect flow into the regional force main and relieve some of the impact on the main pump station. Over the past 8 weeks, the Town has incurred \$15,550 with a private hauler trying to minimize the flow to the main pump station. Proposals are as follows:

<u>Contractor</u>	<u>Bid</u>
Aztech Contracting	\$3,755.34
Chuck Casper Contractor	\$3,770.00
Onsite Construction	\$5,672.00
Zober Contracting Services	\$6,695.80

In reviewing the proposals with the Town Engineer and Wastewater Superintendent, their recommendation is to award the job to Aztech Contracting.

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to approve the awarding of the Del-Tech/County Seat Apartments tie in to Aztech Contracting at an amount of \$3,755.34. **APPROVED (unanimous).**

Code Enforcement Vacancy

Applications for the Code Enforcement vacancy were received through December 31, 2009. We had 60 applications filed. Review of the applications is currently underway. We are hoping to identify 5 to 7 candidates for interview. I want to thank the many applicants for submitting.

DeLea Founder's Insurance Trust (DFIT)

In 2008 the Town entered the Delaware League of Local Government DFIT for Worker's Compensation. The trust has finished its review of the 2008 policy year and has realized a premium surplus. For the Town of Georgetown this equates to a \$13,000 potential refund. Based on events during the 2009 policy year, there is a significant claim related the death of Patrolman Spicer. This could easily translate into a premium shortage for the 2009 policy year review. It is my recommendation that the Town's refund remain in the trust to offset any potential premium assessment relating to the 2009 policy review.

Motion by Councilman Pettyjohn, seconded by Councilman Koskey, to accept the Town Manager's recommendation regarding the DFIT Worker's Compensation surplus. **APPROVED (unanimous).**

Notice of Conciliation – Department of Natural Resources

On Friday, December 18, 2009 representatives of the Town met with DNREC to discuss the high water levels in our storage lagoons and the inability to discharge due to high water tables, saturated fields and frozen ground. In reaching a compromise, allowing the Town temporary discharge into the Eli Walls Tax Ditch, DNREC offered a Notice of Conciliation and Secretary's Order. This outlines five (5) violations and offers twelve (12) actions the Town must comply with – review NOC for specifics.

Miscellaneous

- 2010 Water leaks:
 - Number 1 – North Race near East Market Street
 - Number 2 – North Race near J G Townsend
 - Number 3 – North Railroad Avenue
 - Number 4 – North Bedford Street (100 block)
 - Number 5 – North Bedford Street (Parsell Funeral Home)
 - Number 6 – East Market Street
- Town offices will be closed Monday, January 18, 2010 in observation of Martin Luther King Day

B. TOM KLEIN – DIRECTOR OF PLANNING & ZONING

The Council was presented with total building permits and code enforcement activity for May 2009 thru December 31, 2009. The Planning Commission is currently working on ordinances including demolition ordinances. An update on the following projects: Georgetown East (Food Lion) - preliminary site plan approval on April 15th but have not resolved stormwater issues as of yet, Habitat Office - corner of Adams & Academy Streets is occupied, Harrison Senior Living Center - 16,040 sf addition ready for building permits, waiting for financing, Royal Farms - haven't heard anything from DelDOT, Shops of College Park - pending Public Works Agreement approval, Georgetown Square - seeking DelDOT and SCD approval before filing application with the Town, La Red Medical Building - 15,000sf addition looking at the corner at Rt 9 & US 113.

12. PUBLIC COMMENT

Mike Wyatt, 703 East Market Street, stating that the voters need to know exactly how much the Town will be borrowing before the referendum. The Agricultural Ordinance should come with specific detailed uses. I don't believe the residents would want chicken houses, or pig and hog farms within Town limits.

Ann Behrens, 208 Primary Avenue, thanking the Town for an excellent job on snow removal. Commended Councilman Koskey on a job well done during his television interview about the Town of Georgetown.

Councilman Pettyjohn has secured funding for additional parking signs through the Community Transportation Funds with Representative Ruth Briggs-King in the amount of \$510.00. The new signage will end the confusion of days and hours of parking enforcement.

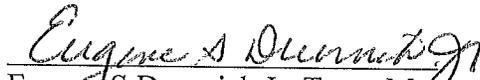
13. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Pettyjohn, to adjourn at 8:28 p.m. **APPROVED (unanimous).**

APPROVED:


Sue H. Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager