

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, July 14, 2010
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 6:45 P.M. Public Hearing
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

**6:45 P.M. PUBLIC HEARING CONDITIONAL USE APPLICATION
FRED & ROSA HENNING - CASE #2009-06**

An application by Fred and Rosa Henning for a conditional use to allow a single family home located at 10 East Adams Street to be used as an office for the Letter Carriers Union. The properties are identified as Sussex County Tax District 1-35 Map 20.05 Parcels 68.00 & 67.00 and are currently zoned Urban Residential (UR1). The original application was granted approval by Town Council on July 8, 2009 with the condition of a public hearing one year after operation begins. The Town has not received any comments one way or another in relation to the conditional use.

Mayor Pettyjohn opened the floor for any comments from the public. There were no comments.

Mr Henning stated the only complaint was notice from the Town in regards to the height of the grass. A representative from the Letter Carrier's Union stated that no comments had been received.

No one spoke in opposition.

Mayor Pettyjohn stated the record would remain open for 14 days. This item will be placed on the July 28, 2010 Town Council agenda.

Public Hearing was closed at 6:48pm

7:00 P.M. REGULAR MEETING

- 1. PLEDGE OF ALLEGIANCE**
Mayor Pettyjohn led the Pledge of Allegiance.
- 2. INVOCATION**
Mayor Pettyjohn asked for a moment of silence.
- 3. ADOPTION OF AGENDA**
Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to adopt the agenda as presented. **APPROVED (unanimous).**
- 4. APPROVAL OF JUNE 23, 2010 TOWN COUNCIL MINUTES**

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

5. ANNEXATION COMMITTEE REPORT/RECOMMENDATION – 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).

Correspondence was received from the applicant's legal counsel, Baird Mandalas LLC stating that they would be agreeable to waiving the 90 day requirement to address further the zoning changes as previously discussed.

Motion by Councilman Barlow, seconded by Councilman Ricker, to table the Annexation Committee Report allowing for further determination of the appropriate zoning for the property. **APPROVED (unanimous)**.

6. VILLAGE OF COLLEGE PARK – REVISED CONCEPTUAL PLAN & REVISED ANNEXATION AGREEMENT

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.

Phil Tolliver, Morris & Ritchie Associates: We appeared before Council October 2009 for conceptual approval, currently we are here today to achieve 2 objectives. After conceptual approval was obtained in 2009 the plan was being prepared for preliminary submittal when two critical items were discovered in error from the original concept plan. 1.) The area in the back of the project, once thought to be wetlands, did not meet the parameters to be wetlands. 2.) There is no FEMA flood plain shown on the original plan. Once the flood plain was shown on the plan certain lots had to be removed and refigured. Original showed 434 lots, revised plan shows 418 lots, open space stays the same, clubhouse with multipurpose court, walking trails, swimming pool, and green areas. The submitted annexation agreement reflects the changes that I have reviewed and discussed with you. The single-family and townhouses decreased in number, with apartment numbers staying the same.

Councilman Koskey: Original agreement reads recreational facilities built upon completion of 20% of the permitted residential units; revised agreement states the final 20%.

Phil Tolliver: That is correct, its cost prohibitive to build at the beginning of the project.

Councilman Ricker: Has any more thought been given for access from 404/Rt 18 into your project?

Phil Tolliver: There are three access points: one off of Rt 113, one off of 404/Rt 18 on to Carmean Way, and a third proposed entrance at some point in the future, which will be driven by the market.

Conny Malmberg: We have had meetings with DTCC and DeIDOT to discuss alternatives to the entrances, proposals alleviate their traffic concerns making it user friendly. (The applicant handed out photos of the proposed entrances.) We also have a preliminary interest installing a light on Rt 113 taking a left into Walmart. (The applicant handed out a photo of the proposed entrances.)

Councilman Ricker: Where on DeIDOT's radar is this? Georgetown's portion is on alignment with limited crossovers and bypasses.

Conny Malmberg: This would be at our expense, not DeIDOT's.

Councilman Ricker: This entrance (light on Rt 113) makes a lot of sense.

Mayor Pettyjohn: Is it possible to get both projects on one sheet showing the Shops at College Park and the Village of College Park to see the entire project.

Phil Tolliver: I will print one up and forward to you.

Councilman Koskey: I am really concerned with the percentage of the commercial portion of the project.

Phil Tolliver: The actual 6.58 acres of commercial divided by 87.05 acres is 7.55%. This percentage meets the Town's Code requirements.

Jim Fuqua, Town Solicitor: I understand from a financial standpoint of recreational facilities being built at 80% of the build out, with the pool and clubhouse being cost prohibitive. My point would be that theoretically over 330 units could be built without any recreation; phasing would be more appropriate.

Phil Tolliver: Perhaps phasing would be the solution in other words walking trails at 20% build out, perhaps the clubhouse at a certain percentile to be determined, and the pool at a certain percentile to be determined.

Jim Fuqua, Town Solicitor: Apartments need the recreation amenities the most.

Mayor Pettyjohn: Perhaps that is the solution; I am just not comfortable with the proposed build out percentages for the amenities.

Councilman Barlow: I do not see open space, and some type of screening is needed between the apartments and Wal-Mart. There is nothing here giving a child a place to play, a project this size needs a large open recreational area.

Phil Tolliver: The Code requires 15% of the project is open space which has been met.

Councilman Ricker: This project is out and away from the town center, a 1,000± people recreational needs are not met there. I hope you put some thought into that.

Mayor Pettyjohn: A lot of the open space is in the last section to be built.

Phil Tolliver: This project does exceed the Town's requirements of the percentage of open space.

Councilman Barlow: I want the next plan to show some type of screening between the apartments and Wal-Mart, be it fencing or greenery or a combination of both.

Councilman Ricker: I still have a problem with the entrances, traffic, and signaling. You're asking us to approve a second conceptual plan where everything presented is tentative, nothing is concrete.

Conny Malmberg: The only thing different on the conceptual plan is the area up top where the units have been shifted and the lack of wetlands, everything else has been approved by you before, we did not come prepared to readdress the open space, and to readdress all the phases of the plan because you already approved it. We came here tonight to address the shift in units and the lack of wetlands. It's a slightly better plan than you already approved.

Councilman Ricker: I didn't. I assure you I didn't approve it.

Phil Tolliver: A Traffic Impact Study has been done and approved by DelDOT, this plan will be reviewed by the Planning Commission again, we are only trying to move the project along from Step 1 to Step 2.

Mayor Pettyjohn: Has any thought been given to the cul-de-sac as the Town Manager has proposed?

Phil Tolliver: Not in favor of the cul-de-sac, the more access points you have the better, you do not have the legal authority to close the road (Carmean Way) and cul-de-sac it.

No further comments.

Mayor Pettyjohn: The Council will handle this item in two separate motions one for the Revised Conceptual Plan and one for the Revised Annexation Agreement.

Motion by Councilman Barlow, seconded by Councilman Besche-Martin, to accept the Revised Conceptual Plan. **APPROVED 3-2 Yea: Barlow, Besche-Martin, Pettyjohn Nay: Koskey, Ricker**

Motion by Councilman Ricker, seconded by Councilman Koskey, to table the Revised Annexation Agreement until the percentages of build out for the construction of the amenities is established. **APPROVED (unanimous).**

Mayor Pettyjohn recused his self from the next item. The Council meeting was turned over to Vice-Mayor Ricker.

**7. PROPOSED TOWN OF GEORGETOWN/WARREN PETTYJOHN
REVISED SEWER AGREEMENT**

All parties involved have reviewed the agreement and are comfortable moving forward. The Town will pay Mr Pettyjohn \$0.00030/gallon with 5% yearly escalation factor added to the fee. Minimum payment per year shall be paid based on 100,000,000 gallons of discharge. Payments shall be made January 1, April 1, July 1, October 1, and any adjustment by December 20. The Town does not want to incur any additional costs with Davis, Bowen, and Friedel in regards to the DDR for the Pettyjohn property without the revised sewer agreement being in place and agreed to. In addition, for the completion of the Design Development Report (DDR) for the Pettyjohn property the agreement is required to be formally acted on.

Councilman Koskey: I feel 10 years is too long, 5 years is more realistic.
 Eric Retzlaff, Town Engineer: If started today, we would be longer than 5 years in the planning, permitting and operational portion of the project.

Town Manager: DNREC has permitted usage in the past on an emergency discharge basis such as the winter of 2009.

Councilman Koskey: It's incredible to me that we spend this amount of money to get rid of water.

Councilman Ricker: What happens if DNREC changes their mind and spray irrigation is not the way to go, we are over the barrel, we have no other choice.

Jim Fuqua, Town Solicitor: The concern expressed is that 10 years is a long time, but in the context of the Engineering situation is not a long time, it is unlikely that the Town would, in effect be stuck with a lease that they no longer had the need for, which is very unlikely that would happen.

Motion by Councilman Barlow, seconded by Councilman Besche-Martin, to approve the Proposed Revised Sewer Agreement. **APPROVED**
(unanimous).

"The Revised Sewer Agreement will be incorporated as part of minutes."

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

8. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Fire – 123 West Market Street

On Wednesday, July 21 at 12:00 noon a second joint fire cause determination and structural inspection is scheduled. We are currently receiving restoration estimates from ServPro, Construction Unlimited and Royal Plus. We continue to work towards getting the structure repaired and the tenant back in as quickly as possible.

Municipal Street Aid

With the end of the legislative session we made out okay. The \$4.0 million budgeted for Municipal Street Aid was retained. Note: we are still down \$8.0 million as a result of the FY 2010 elimination and the FY 2011 reduction. Impact to the Town of Georgetown is approximately \$220,971 in lost revenue.

South Bedford Street Pump Station Upgrade

A progress meeting for the South Bedford Street Pump Station Upgrade was held on Thursday, July 8, 2010. Progress to date includes: site clearing; establishment of temporary power; completion of the directional bore for water service. Most of the materials required have been ordered and necessary fabrication is underway.

PROJECT STATUS SUMMARY					
<u>Item</u>	<u>Date</u>	<u>TIME</u>		<u>DOLLARS</u>	
		<u>Elapsed</u>	<u>% of Cntrct</u>	<u>Incurred</u>	<u>% of Loan</u>
Notice to Proceed	April 16, 2010	n/a	n/a		
	July 14, 2010	89 days	49%	\$46,887.26	9.6%
Completion	October 13, 2010	180 days			

East Market Street Improvement Project

The Bid Opening for the East Market Street Improvement Project (Layton Avenue to King Street) was scheduled for Tuesday, July 13, 2010. We are awaiting notification of the results. Construction is anticipated to commence in about 2 ½ months (late fall, after Labor Day). Once the bid is awarded, our exact match contribution requirement (14% of bid amount) will be known.

Chesapeake Utilities Franchise Agreement

The Town is again working with Chesapeake Utilities on the franchise agreement amendment. We have been able to locate and are reviewing the file history. There will be a presentation once again to the Council at the July 28 meeting.

Utility Waiver Request

The Town has been requested to waive the quarterly water and sewer billing for the Georgetown Public Library. We are in the process of gathering information and will present back to Council on July 28 our findings.

Carriage Place Drainage

Public Works has cleared the overflow pipe and downstream drainage for the Carriage Place storm water management pond. Pumping to lower the pond level indicates the structure will work as the water level rises. Next area to investigate is the condition of the swales conveying the water flow from individual properties to the pond. Additionally, we will be getting quotes for additional fencing.

2010 Senior League Softball World Series

The Town will again loan our light tower in support of the Softball World Series, from August 8 to August 14. This is the same as last year. In exchange for the use, the Town has been given a free full page ad in the program.

Miscellaneous

- Private Property – No Trespass Signage: We have ordered signs to be placed along the fencing between Cooper Alley and Depot Street – to eliminate the yard sale problem.
- 2010 Water leaks:
 - Number 26: Line abandonment – 212 Rosa Street
 - Number 27: 100 South Bedford Street – Old service line abandonment
 - Number 28: 817 East Market Street – new saddle and stop

Planning Department Update

Prior to the end of June all projects were contacted with any kind of status with the Town of Georgetown. 21 letters were sent to the various projects as to the status of their project. With the exception of one Whispering Breeze which was withdrawn due to their contract being cancelled. Everything else was in progress, with the Fire Marshal, DelDOT, or issues due to financing and the current market. Montchanin Project and the Isaacs farms up to DTCC are working on some internal layout of roadways alleviating traffic on to US113. On July 21st Planning Commission agenda will make a recommendation on the Historic Preservation/ Demolition Ordinance, which will be heard by Council shortly thereafter, in addition to drafting a Property Code Maintenance Ordinance.

Councilman Ricker asked for the amount of money the Town spends on lighting on State maintained streets.

Town Manager: As part of the Legislation a Task force is being formed to look at Municipal Street Aid. The Sussex County Association of Towns Steering Committee is going to be very active in preparing information for DelDOT as well as the State Legislator as to how the funds are utilized and perhaps ways to fund it in the future.

Mayor Pettyjohn: What will the makeup of the committee going to be?

Town Manager: Not quite sure yet, as DelDOT is putting it together, but municipal leaders were specified.

Motion by Councilman Ricker, seconded by Councilman Koskey, requesting that the Town send a letter to the Secretary of Transportation requesting that our Town Manager and our Mayor be part of that committee. **APPROVED** (unanimous).

9. **2ND READING & ADOPTION**

A. **ORDINANCE #2010-6 ANIMAL CONTROL-AT LARGE**

Complaints have been received in reference to dogs running at large.

Councilman Ricker: Is it possible for us to set in our existing Code the ability to set forth a substantial fine for those not in control of their pets, making those individuals in violation more responsible for their pets.

Town Manager: Chapter 52 Section 7 deals with violations and penalties of which we could certainly modify in relation to the financial penalties.

Councilman Ricker: I agree this is a better method of dealing with this problem. I would urge the Town Manager and the Town Solicitor to examine this to make it painful enough for the people in violation and maybe then they would take more responsibility for their pets.

Motion by Councilman Ricker, seconded by Councilman Koskey, to table Ordinance #2010-6 Animal Control-At Large until stricter penalties are established. **APPROVED** (unanimous).

10. **PUBLIC COMMENT**

Town Manager: Positive emails and correspondence has been received on the News Letter.

Councilman Ricker: I would like to thank Mayor Pettyjohn and Town Manager, Gene Dvornick for all of their time spent in Dover. The Town was well represented.

Barbara Chaffinch, Village of Cinderberry: The Village of Cinderberry is a 50+ community, with a majority of the residents having pets. I would suggest the Town consider creating a dog park. The parks I'm familiar with consist of 2 large areas, one for large dogs and one for small dogs. Both areas are gated and supply a water source. In addition, the owners are responsible for cleaning after their pets in the park. I would like to thank you (the Council) for not

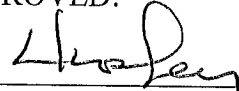
penalizing everyone for the actions of a few. I would like to thank Councilman Ricker for that and also the Council for tabling the item. Apartments bring in a different type of people than home ownership; home ownership brings pride to their homes by cutting the grass, and maintaining it, they've worked hard for it. In the Village of Cinderberry houses have been for sale for 3 years without being sold. The housing market is seriously depressed. I don't understand how a developer is going to sell houses so easily when our developer hasn't been able to sell or build a home for 2 years.

Rt 18 is already a bottle neck without adding additional traffic to the area. We need more gas stations and a good grocery store on this (the west) side of town. We have no competition on US113. I would like Georgetown to be known as a friendly Town and invite businesses to Town. The developer (Village of College Park) should put more interest in the children and their needs than in their pockets. This is my first Town meeting and I am very impressed with your diligent and would like to thank you very much

11. ADJOURNMENT

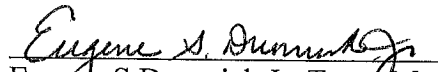
Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 8:41p.m. **APPROVED (unanimous).**

APPROVED:



Charlie Koskey, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager