

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, June 23, 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
Bill Topping, Chief of Police

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

4. APPROVAL OF JUNE 9, 2010 TOWN COUNCIL MINUTES

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

5. MATTHEW SKIDMORE – EAGLE SCOUT PRESENTATION (deleted with the amended agenda 6/17/10)

6. ANNEXATION COMMITTEE MEETING – CASE #2010-09 – GEORGETOWN DOWNS PROPERTIES LLC/KENT STORAGE FACILITESLLC/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).

Mayor Pettyjohn: Currently the property is zoned AR-1 within the County, the Town also has an AR-1 zoning as well, has the applicant given any thought of coming into Town with an AR-1 District or perhaps a UB-3 district until such time that you get passage through the State Legislator. Has this been discussed or thought about in any way?

Mark Schaffer: As we explained to the Planning Commission it's the governor's desire to get venues/sites open and start producing revenue, there is a ranking

system of which venues/sites will be selected and we believe strongly that in the ranking system it's the project that's the furthest along in the process. That's why it's so important to get the desired zoning and site plan in place to be in a competitive position. Internal discussions have taken place that in the event this facility is not approved by the Legislator; we envision this site being a neighborhood center like the Villages in Lewes. The Comprehensive Plan prefers not to see any additional strip centers being built. The State strategy with the Office of Planning discourages split zoning on this parcel. They try to discourage municipalities from this type of zoning.

No other comments from the Annexation Committee were made.

The Annexation Committee will make their formal recommendation to the Town Council at the July 14th Council meeting, and the final decision on the annexation will be made by Council at their July 28th Council meeting.

7. **1ST READING OF ORDINANCES**

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

Complaints have been received in response to dogs running at large with no restraints from private property while people are either walking or exercising. This ordinance prohibits a dog running at large on its owner's property unrestrained. No action is necessary at this time. 2nd reading and adoption will be at the July 14th Council meeting.

Councilman Koskey: The problem I see with this is the animal wandering beyond their owner's private property then I can see strengthening the Code, but to restrict residents' private use of their property and their animals that I have a problem with.
Councilman Ricker: I've had constituents who have complained of while exercising or walking of being chased or attacked by dogs running from the property due to being unrestrained. This is for the people/residents not restraining their pets on their property by not watching or having control on their pets. Thinking into the future, how about other animals besides dogs that residents may want to own as a pet such as a wolf.

Town Manager: I believe there is another section in the animal ordinance that pertains to exotic animals.

8. **2ND READING & ADOPTION OF ORDINANCE**

A. ORDINANCE #2010-4 PRE-RENTAL LICENSE

Council was presented the proposed pre-rental inspection guide and inspection form that will be given to property owners when inquiring about renting a property. A checklist was also provided that specifies what is being inspected. The new process requires an ordinance change authorizing the pre-rental inspection.

Councilman Ricker: Let the record show this ordinance pertains to new construction, conversion to a rental property, and existing rental properties.

Motion by Councilman Ricker, seconded by Councilman Barlow, to adopt Ordinance #2010-4 Pre-Rental License. **APPROVED (unanimous).**

"Ordinance 2010-4 is incorporated as part of the minutes."

B. ORDINANCE #2010-5 RENTAL INSPECTION FEES

The fee of \$175.00 was determined by URS to cover costs of an inspection.

Motion by Councilman Ricker, seconded by Councilman Koskey, to adopt Ordinance #2010-5 Rental Inspection Fees. **APPROVED (unanimous).**
“Ordinance 2010-5 is incorporated as part of the minutes.”

9. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Fire – 123 West Market Street

On Wednesday, June 30 at 12:00 noon the joint fire cause determination and structural inspection is scheduled. It is anticipated that representatives from each insured party and their adjusters will be present. We continue to work towards getting the structure repaired and the tenant back in as quickly as possible.

FEMA Reimbursement – 2010 Snow Event

We completed our paperwork with FEMA and once approved anticipate reimbursement in an amount of \$37,450.63. The breakdown is as follows:

<u>Category</u>	<u>Description</u>	<u>Amount</u>
A	Debris Removal	\$6,025.00
B	Snow Removal	\$29,642.12
C	Curb/Sidewalk Repair	\$1,783.51

Budget versus Actual (May 10) – One Month (8% of the Year)

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
<u>Revenue</u>				
General Fund	\$2,550,960	\$1,366,321	\$1,184,639	54%
Water Fund	\$1,247,000	\$3,824	\$1,243,176	0%
Sewer Fund	\$1,635,000	\$1,943	\$1,633,057	0%
Total	\$5,432,960	\$1,372,088	\$4,060,872	25%

Expenditures

General Fund	\$3,233,843	\$184,359	\$3,049,484	6%
Water Fund	\$784,587	\$102,798	\$681,789	13%
Sewer Fund	\$1,414,530	\$119,888	\$1,294,642	8%
Total	\$5,432,960	\$407,045	\$5,025,915	7%

The monthly report has been distributed for your review.

Other Key items (versus the same time period last year):

- Real Estate Transfer Tax Revenue, **Down 69.06%**
 - YTD FY 2008 \$56,065
 - YTD FY 2009 \$11,024
 - YTD FY 2010 \$9,600
 - YTD FY 2011 \$2,970
- Building Permit Revenue, **Up 89.53%**

Water Impact Account – Merrill Lynch

In order to make the June 30, 2010 (semi-annual) payment on the existing debt related to the 2003 Water and Sewer Improvements Bonds and the State Revolving Fund Loans, the Town was forced to close the Merrill Lynch Water Impact Fee

Account. **Rate increases for both water and sewer fees will be required mid-year (October/November).**

Legislative Items

There are a few pieces of legislation we have been actively engaged with and offering comment on:

HB 364	Employment Relations	Opposed
TBD	Aubrey Spicer Health Care	Support – Not yet introduced
SB 234	Universal Recycling	Support/Passed
SB 209	Historic Preservation Tax Credit	Support
HB414	Supplemental MSA Funding	Support – Died in Committee
HB478	Delaware State Trooper Fund	Opposed

Community Development Block Grant – FY10

The Town has received official notice that we **did not** receive any funding for housing rehabilitation through the Community Development Block Grant. We are welcome to re-apply for FY11 consideration.

East Market Street Improvement Project

The Bid Opening for the East Market Street Improvement Project (Layton Avenue to King Street) is scheduled for Tuesday, July 13, 2010. It is anticipated construction will commence 2½ months after the bid opening (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 Amendment

The Town and representatives of Chesapeake Utilities met to discuss a proposed revision to the Franchise Agreement, specifically relating to the permit fees required for main line installation. Our discussions have yielded a proposal to modify the Agreement setting a cap on the permit fee of \$250.00 plus a \$75.00 utility review fee. The Town currently has an agreement with Chesapeake Utilities. The Town of Georgetown does not charge any other utility provider any type of fee for construction.

Dorrie Moore, Chesapeake Utilities: The potential for new customers is great in the Georgetown area, we have a number of projects proposed but not finalized at this time. Expansion is driven by the customer.

Councilman Koskey: By amending this agreement we would be accepting less than what we currently have the agreement at?

Town Manager: That's correct.

Councilman Ricker: If I understand this correctly, we are reducing the fee?

Town Manager: The Town is placing a cap on the fee, currently the Town of Georgetown is the only municipality that charges this percentage on top of the mayor working their doing. The other municipalities do not even have this clause within their franchise agreement. We have surveyed other municipalities and have worked on this for over a year. There are some municipalities that do not charge any fees for expansion.

Dorrie Moore, Chesapeake Utilities: None of the municipalities charge the 5% as the current agreement does with the Town of Georgetown.

Motion by Councilman Koskey, seconded by Councilman Ricker, to deny the request for an amendment to the Franchise Agreement. **APPROVED 3-2**

In favor of denying: Koskey, Ricker, Besche-Martin

Opposed to denying: Barlow, Pettyjohn

Councilman Koskey: In favor of motion.

Councilman Barlow: No, I feel that if the Town Manager feels we need to amend this agreement then we should. I think this proposal is fair.

Councilman Ricker: In favor of motion. I have been tremendously not in favor of natural gas due to safety issues.

Councilman Besche-Martin: In favor of motion.

USDA I & I Study Application

The Town engineer has been completing the USDA application for the Infiltration & Inflow Study. One of the new filing requirements is execution of an "Agreement between Owner and Engineer for Professional Services".

Motion by Councilman Ricker, seconded by Councilman Barlow, to authorize the Town Manager to sign the Agreement between Owner and Engineer for Professional Services. **APPROVED (unanimous).**

Trash Rate Increase

Effective July 1, 2010 the trash rate billed to our residents will increase by \$10/per quarter. The current rate is \$41.00/qtr (\$164.00/year) – the new rate will be \$51.00/qtr (\$204.00/year). This increase is due to the DSWA rate increase going into effect on July 1, 2010. The Town of Georgetown does not make a profit on the trash service, as we bill the residents the same amount we are charged.

Miscellaneous

- 2010 Water leaks:
 - Number 23: 415 Cedar Street (service line)
 - Number 24: North Railroad Avenue First State Community Action (service line)
 - Number 25: 212 North Railroad Avenue (service line)
- Town Offices will be closed on Monday, July 5, 2010 in observance of the Independence Day Holiday
- Employee Service Anniversaries:
 - Bobby Fletcher Public Works 16 years
 - Daniel Donaway Water 6 years
 - Chris Story Police 3 years

B. BILL TOPPING – CHIEF OF POLICE

Chief Topping presented the Council with statistics Town wide. Harvest Diner suspect in shooting is in custody, possibly responsible for both incidents occurring at the Harvest Diner along with his confederates. Victim is recovering and will be fine. Report was put out on Nixel, I will make personal contact with Council in the event of an emergency. Aubrey Spicer legislation has not moved forward during this legislative session, I have contacted Rep Peter C Schwartzkopf and will start working with that again in January. HB 478, Police Chief's Council bill is dead. HB 357, passed the house, prohibiting the possession of a firearm in public housing. I have proposed a recommendation for Return Day which we (Police Department) would implement and plan, has already been created and reviewed by myself, the Town Manager, and some members of the Historical Society. The plan proposes the assembly of the parade at the Delmarva Christian High School. The police will be fed at the CHEER Center as an alternative to the airport. Essentially the parade will run backwards, the festivities beforehand will also take place at the Delmarva

Christian High School, taking Route 113, South Bedford Street, logistical problems, and DTCC out of the picture, giving the Town more control over the person or persons who may be attending the Return Day festivities. We've learned from the last Return Day as to the placement of some resources on the Circle. We have to be in control of our own resources. I understand the Return Day Committee's role, but we have told the Committee that the Circle and one block out belongs to the Town of Georgetown, security wise and resource wise. We are putting the Town resources at their disposal (the Return Day Committee) at very little or no expense to them at all. The Delmarva Christina High School can accommodate the amount of people that they estimate.

Councilman Ricker: It makes more sense to leave trailers or whatever means is used to transport parade items at the parade end, then to have the same location serve as the starting and ending point. The parade starts to break up near the Fire Department which ends in total chaos. The confusion is unnecessary and can be alleviated.

Motion by Councilman Ricker, seconded by Councilman Barlow, to recommend moving the Return Day assembly to the Delmarva Christian High School. **APPROVED (unanimous)**.

Councilman Barlow: The Return Day Committee needs to find a way to raise funds to host this event/move carriages; the Town needs to be and should be in control. You will receive a lot of opposition due to the fact it's never been done this way before.

10. PUBLIC COMMENT

Angela Townsend, Town Clerk, personally thanked the Mayor and Council for the time, effort and hard work that went in to hosting the employee picnic. The employees enjoyed themselves and would like to see this become an annual event.

10A. EXECUTIVE SESSION

Mayor & Council will meet in Executive Session for the discussion of a personnel issue in which the names, competency and abilities of individual employees are discussed.

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn to Executive Session at 7:49p.m. **APPROVED (unanimous)**.

Recorder was turned off.

Executive Session exited at 8:06p.m.

Motion by Councilman Ricker, seconded by Councilman Koskey, for the Council to continue on the action that was discussed during Executive Session. **APPROVED (unanimous)**.

11. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Koskey, to adjourn at 8:07p.m. **Motion failed.**

For the record, it was recommended that since action is being taken on an item as the result of the Executive Session that action/motion should be recorded.

Recorder was turned on.

Mayor Pettyjohn reconvened the meeting at 8:08pm.

Motion by Councilman Ricker, seconded by Councilman Koskey, for the Council to continue on the action that was discussed during Executive Session. **APPROVED** (unanimous).

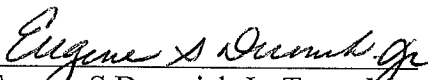
Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 8:09p.m. **APPROVED** (unanimous).

APPROVED:



Charlie Koskey, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager