

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, June 9, 2010
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 6:45 P.M. Public Hearing
7:00 P.M. Regular Meeting

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 Bradley, Dir of Public Works

**6:45 P.M. PUBLIC HEARING – 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).

Jeff Clark, Land Tech Land Planning LLC: Planning Commission on May 19th recommended annexation, included in the application are letters of service from the American Legion, Sussex Post #8 Ambulance Service and Delmarva Power. The Town Engineer requested a study on the impact of sewer & water flows, which is completed, has been submitted to the Town. Park Avenue would offer the opportunity for traffic to access US113 without traveling through Town. The project matches up with the Comprehensive Plan in addition to calling for commercial zoning. The property is currently zoned AR-1 under the County zoning code.

Mayor Pettyjohn: Highway Commercial lends itself to a variety of uses, why is Highway Commercial zoning classification being asked for compared to some of the other zoning classes?

Jeff Clark: First, it is in keeping with the Comprehensive Plan, and secondly, two of the applicants are trying to get an application approved through the Legislator to create a casino/racino in which those uses are more associated with Highway Commercial.

Councilman Ricker: Should the application before the Legislator fail, has the applicant given any thought to what the property could be used for if annexed?

Jeff Clark: They have not.

Councilman Ricker: Let me clarify this, if the application before the Legislator fails, then the Town has annexed this property into Town zoned Highway Commercial, with no idea as to what will happen with the property at that point, is this correct?

Jeff Clark: That is correct.

Councilman Koskey: What drainage issues do you anticipate with the property and the development?

Jeff Clark: Intersection at Rt 9 and the Sandhill Road has problems, a study has been completed and it's our belief that we can accommodate the upgraded intersection and drainage with access crossing our property in the event we develop.

Mayor Pettyjohn: Have you contacted the property owners between the property in question and Lewes-Georgetown Highway (Rt 9)?

Jeff Clark: We have spoken to the two property owners, and actually they had contacted us.

Councilman Ricker: There is nothing in the Highway Commercial District to accommodate racinos/casinos or horseracing which means it would require a Conditional Use, does the applicant understand that?

Jeff Clark: Yes, we understand that.

Town Manager: Because of the Memorandum of Understanding between the County and the Town, any parcel that lies within our growth zone the County would first request that the applicant contact the Town as a candidate for annexation, if the Town chooses not to annex then the County would entertain their process for what the applicant is requesting.

With no more comments or questions from Council, Mayor Pettyjohn opened the floor for public comment.

In Favor: Ray Hopkins, I own the property directly in front of the project. In light of the current economy, the town is encouraging commercial/residential development. Perhaps in the future the Town could make available sewer & water connections for property owners with failing systems in that area along Route 9. With the Highway Commercial there are controls and safe guards that are available to the Town. We cannot base our decision for annexation on the land use. It would be a morale booster and create enthusiasm for the Town. I would ask that you consider the big picture which is a positive step for the Town.

In Opposition/In Favor: Linda Dennis, Village of Cinderberry, I am not quite sure if I'm in favor of or against, because I'm not clear on what the application is for at this time. It seems that there's a request for an application for Council's approval without a specific use at this time. This is an open-ended request, with no Plan B. If the Town moves to grant annexation then the issue as to what comes after that approval becomes the burden of the Town, if the Town denies the annexation then the Town loses any control or input over the development of the property. I would feel more acceptable of this project if I understood what impact the Highway Commercial designation would have on the Town. I would further recommend that the Town and Planning Commission sit down with the County for a discussion on this project as to the impact and negativity that the project would bring and to what input the Town would have in making this application more favorable to the residents.

A letter in opposition was received from Tony Semeraro, resident Village of Cinderberry. The letter will remain in the file.

Mayor Pettyjohn requested that the record remain open until 4:30pm on June 22, 10 for further comments.

Public Hearing closed at 7:12pm

7:15 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

ITEM #9A EXECUTIVE SESSION was added.

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

4. APPROVAL OF MAY 26, 2010 TOWN COUNCIL MINUTES

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

5. AMEND CONDITIONAL USE APPLICATION - KGB PROPERTIES/16 MILE BREWING CO. - 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).

No written comments were received.

Motion by Councilman Ricker, seconded by Councilman Barlow, to approve the Amended Conditional Use – Case#2010-4 as stated in Exhibit A. **APPROVED (unanimous).**

“Exhibit A is incorporated as part of the minutes.”

6. ADOPTION OF RESOLUTION #2010-7 FEMA

Each participating jurisdiction in the County is required to provide FEMA an adoption resolution. When the FEMA Hazard Mitigation Plan is updated, the Town will be given a copy for the file.

Motion by Councilman Barlow, seconded by Councilman Koskey, to adopt Resolution #2010-7 FEMA. **APPROVED (unanimous).**

“Resolution #2010-7 is incorporated as part of the minutes

7. 1ST READING OF ORDINANCES

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. The new process requires an ordinance change authorizing the pre-rental inspection. The ordinance was provided by Tim Willard for the 1st reading by Town Council. No action at this time. 2nd reading and adoption if agreeable will be June 23th Town Council meeting.

B. ORDINANCE #2010-5 SUBDIVISION & RENTAL INSPECTION FEES

The fee of \$175.00 was determined by URS to cover costs of an inspection. No action at this time. 2nd reading and adoption if agreeable will be June 23th Town Council meeting.

8. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Fire – 123 West Market Street

On Monday, June 3, 2010 the Town was advised of a fire damaging the property owned at 123 West Market Street. Proper insurance notification was made and we are working to get the structure repaired and the tenant back in as quickly as possible.

FEMA Reimbursement – 2010 Snow Event

We have been meeting with representatives of FEMA working on the reimbursement from some of the costs incurred during the snow storms. We are constrained to a 48 hour period, in our case we selected February 10 and 11. Our total Claim Cost is \$34,179, estimated reimbursement at 75% is \$25,634. Our claim is under review and anticipated for finalization early next week.

Carriage Place – Storm Water Management Issues

The Town has met with representatives of the Sussex Conservation District with respect to complaints on the pond not draining and the swales not conveying surface run-off to the pond. Public works has located the end of the overflow pipe and started to clear debris. Clearing of the outfall towards the Savannah Ditch will be next; followed by lowering the pond level to clear some brush. Once the pond is functioning correctly, we will be addressing the swales. In 1995 the storm water pond was deeded over to the Town for unknown reasons.

South Bedford Street Pump Station Upgrade

The progress meeting for the South Bedford Street Pump Station Upgrade scheduled for Thursday, June 10, 2010 at 10:00 AM has been cancelled. This is due to no construction currently underway. The next progress meeting is scheduled for Thursday, July 8, 2010 at 10:00 AM.

PROJECT STATUS SUMMARY					
Item	Date	TIME		DOLLARS	
		Elapsed	% of Contract	Incurred	% of Loan
Notice to Proceed	April 16, 2010	n/a	n/a		
	June 9, 2010	55 days	30%	\$40,137.26	8.2%
Completion	October 13, 2010	180 days			

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).**

Miscellaneous

- 2010 Water leaks:

- Number 18: 115 South Bedford Street (service line)
- Number 19: Georgetown Police Station (hose bed)
- Number 20: 117 West Pine Street (service line)
- Number 21: Wilson Street (service line)
- Number 22: West Market Street/North Front Street (service line)
- **Notice:** Town Offices will be closed on Friday, June 18 from 12:00 Noon until 4:30 PM
- Upcoming events:
 - Tour of the Indian River Inlet Bridge will be on Thursday, June 10 at 2:00 PM

B. BILL BRADLEY – DIRECTOR OF PUBLIC WORKS

We are up to 22 water leaks for the year, and flowing around 600,000 gallons of water per day. AC Shultes is scheduling the test well installation within the next two weeks. The Department is starting to repair street patches with hot mix as the weather permits.

9. PUBLIC COMMENT

Tony Semeraro, 4 Cranberry Court, praised the Public Works Department on a job well done in regards to the circle. The plantings, mulch and the street lights looked wonderful for the Memorial Day event. The Public Works Department does a fantastic job.

10. 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 7:34p.m. **APPROVED (unanimous).**

Executive Session exited at 8:24p.m.

11. ADJOURNMENT

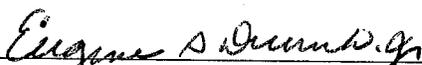
Motion by Councilman Ricker, seconded by Councilman Koskey, to adjourn at 8:25p.m. **APPROVED (unanimous).**

APPROVED:



Charlie Koskey, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager