

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, August 24, 2011  
**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  
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

**ABSENT:**  
Steve M Hartstein, Ward One

6:45 P.M. Public Hearing

**CASE #2010-04 –Amendment KGB Properties/16 Mile Brewing Co.**

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 June 9, 2010 for a 3,400 square foot addition. The property is located at 413 South Bedford Street; identified as Sussex County Tax District 135 Map 20.00 Parcel 50.00 zoned Neighborhood Business (UB2). Brett McCrea presented the Council with an overview of the proposed application, an expansion of 4,300 square feet. The addition to the north side of the building will help with expansion of the coolers, growth, to separate the tavern area from the work area, and for more dry storage space.

In Favor:

Sam Warrington, 429 S Bedford St: I have no problem with the brewery, and with improvements to the property.

Ronnie Betts, Neighbor: I see no problem with it.

John Roach, Neighbor: No problem with it.

Margaret Walls Devonshire: I see no problem with it at all.

In opposition:

Alan Bernardo, 21406 Park Avenue, This thing is in my back yard, I am fully against any industrial business in my backyard, I am sinking money into my property and I'm losing equity. Not in favor of this whatsoever.

No further comments.

Public Hearing closed at 6:56pm.

**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 Besche-Martin, to adopt the agenda as presented. **APPROVED (unanimous).**

**4. APPROVAL OF AUGUST 10, 2011 TOWN COUNCIL MINUTES**

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

**5. CASE #2010-04 – KGB PROPERTIES/16 MILE BREWING CO – CONDITIONAL USE AMENDMENT**

The Planning Commission recommended approving the application for an amendment to the Conditional Use granted by Town Council on June 9, 2010 for a 4,300 square foot addition including the three waivers as requested by the applicant on July 25, 2011 for paving requirement to be extended for two years after certificate of occupancy, parking lot landscaping requirement and orientation to street pedestrian access.

Motion by Councilman Ricker, seconded by Councilman Barlow, to grant Case #2010-04-KGB Properties/16 Mile Brewing Co - Conditional Use Amendment with the three (3) waivers as recommended by the Planning Commission. **APPROVED (unanimous)**.

**6. 111 & 115 EAST PINE STREET – DEMOLITION STATUS**

At the last Council meeting, Mayor Pettyjohn requested that the involved parties be asked to attend a Council meeting for an update on the status of 111 & 115 E Pine St. All participating parties were contacted and asked to attend tonight's meeting with an update on their part.

Battle Robinson and Sylvia Short Calhoun presented Council with a brief history & chronology of the properties and their involvement with the project. We offered to buy the vacant lot on Race Street (besides Domino's) for \$139,000 and give it to the County to be used for parking if the County would convey both houses (111 & 115) to us. We also offered to convey to the county a 20' strip along the back of the two properties to be used for 12 parking spaces. In return we would restore the houses: Hatfield (111 E Pine) for a moderately priced home and Messick (115 E Pine) for office space. However, that proposal was not accepted by the County, they came back to us stating we would have to pay the full amount of the original purchase price (\$275,000), after that we came to an impasse and that's where we remain today.

Hal Godwin, Deputy County Administrator, Sussex County, presented Council with recap of the County's involvement with the properties. The County purchased these properties in March 2005 & October 2006 for the purpose of removing the structures and increasing the County's parking. The County is not or never was planning on investing any money on improving these properties. We would donate these structures as expressed to anyone willing to have them moved from the property. The idea of selling these properties is not an option due to the fact we the County acquired the property for parking purposes.

Mayor Pettyjohn: I see in the agreement dated December 16, 2008, that lot 115 is going to be subdivided?

Hal Godwin: I have different agreements and correspondence that have been sent back and forth between the involved parties and I'm not quite sure what agreement is binding at this time. We have not received any direction from the Town as to their intentions on following through with this agreement (December 16, 2008) at this time. I have a letter dated May 14, 2009 from the Town of Georgetown to the Sussex County Council that states, "Accordingly, the Council wishes to go on record as in support of Mrs. Robinson and Mrs. Short's efforts to preserve these two properties.

Should a successful agreement between Sussex County and these residents be reached, the Town of Georgetown is willing to terminate the Agreement entered into on December 16, 2008 regarding the properties.” That’s why I’m not sure if we are bound by these past agreements or not. That’s why I’m a little hesitant to offer a position on any of those agreements that have been discussed.

Town Manager: At one point there was discussion of the possibility of relocating the structure adjacent to the old Courthouse and having a structural home mover recommend if that was a possibility or not?

*Mr Koskey’s response and was not audible on the tape.*

Councilman Ricker: Has it ever been determined any costs of moving the structure?

Hal Godwin: I am aware of one if not two movers that examined the properties and found that due to the height of 111 E Pine St, moving utility wires and disassembling the structure that would not be an option and as far as the small building we did not find anyone giving us any confidence in moving due to the rot and the soft nature of its structure. So we were never able to establish any real cost dollars and found it was not feasible to move either of the structures.

Councilman Ricker: Does a demolition permit for 115 E Pine St, still exist, and has the County submitted a site plan?

Town Manager: Yes it does.

Hal Godwin: No, they have not submitted a site plan to the Planning Commission. Immediately following our initial discussions the County did pursue contacting other individuals as to options for purchasing and removing the structures.

Mayor Pettyjohn asked that the Town Manager to work with Mr Godwin, the Town Solicitor, and the County Council and find out what the status is of these agreements to see what agreements are in effect at this time and report back to us by our next Town Council meeting. And also I would like to explode subdividing that lot and seeing if it is possible for the original shell of the building to be taken down.

Councilman Ricker: Didn’t the County offer to help fund expenses to anyone willing to move these structures?

Hal Godwin: The County did offer funds to assist in moving costs for these structures. Those funds were budgeted for in a previous budget, which make those funds no longer available.

Councilman Ricker: This is for Battle Robinson and Sylvia Short Calhoun, has anyone come forward with any interest in these properties?

*Battle Robinson’s response and was not audible on the tape.*

Battle Robinson: Is all of downtown Georgetown going to become an empty parking lot? Our last communication from Mr Godwin, in July 2009 was that the Council had redirected its efforts for employee and visitor parking from 111 and 115 E Pine Street to a parcel on Harris Alley and Cherry Lane, and I believe that has been done, so I think there is a question as to how much parking the County really does need.

**7. TWENTY-FIRST CENTURY FUNDS – DRAINAGE IMPROVEMENTS FOR FRANKLIN & ROBINSON STREET**

The Town worked with Davis, Bowen & Friedel in seeking funding assistance from DNREC through the Division of Soil & Water Conservation Drainage Program. This is related to failing storm drainage piping located on Franklin Street and Robinson Street (Ward 3). The project will replace the existing piping with in-kind piping and help eliminate the sinkholes there are present on both streets.

As reported at the last Council meeting, assistance has been made available with Twenty-First Century Funds in the amount of \$67,300.00 in the form of a grant. The Town's portion of \$6,700.00 will be taken out of the Transfer Tax Revenue Account.

Town Manager: When the road was originally widened, the material did not compact, and caused a settling of the street, due to the non-compacted sub-base. The Town would like to start on the project as soon as possible.

Erik Retzlaff, Town Engineer: There are actually 2 locations in need of repair, Franklin Street and Robinson Street. Improvements involve stopping the sinkholes from developing above the existing storm drain pipes.

Motion by Councilman Ricker, seconded by Councilman Barlow, to authorize the Town Manager to enter into the agreement with DNREC for Twenty-First Century Funds. **APPROVED (unanimous).**

**8. CASE#2006-15 -- VILLAGE OF CINDERBERRY -- FINAL SITE PLAN AMENDMENT**

An application by LBG Homes, LLC, on behalf of County Bank for an amendment to the final site plan approval granted by Town Council on November 6, 2006. The property is located at Route 113 & Old Laurel Road and is identified as 135-19.00-69.07 zoned Urban Residential (UR1) with an RRPC overlay. A letter was received today from the Village of Cinderberry Property Owners Association, Inc in support of the changes to the site plan.

Douglas Williams, of George William Stephens, Jr and Associates, Inc and Robert Horsey, of LBG Homes, presented the application on behalf of County Bank (owner of the 33 lots in the Village of Cinderberry). The reason for a revised plan is that the as built of what has been constructed is different than the original site plan. The bank would potentially lose 2 maybe 3 housing units due to the product mix that was built. To keep the original number of units, the Patriot model is proposed for the remaining lots.

Mayor Pettyjohn: Questioned Unit 136 with the close proximity to the storm water pond.

Robert Horsey: Unit 136 has been changed to a single car garage from a two car garage, to provide more distance from the storm water pond for this unit. The physical appearance of the units will remain the same, with the same landscaping.

This site plan was recommended by the Planning Commission approving the amendment to the RRPC Concept plan, approved by Town Council on November 6, 2006, conditioned that the units and landscaping be in accordance with the existing drawing dated 7/27/2011 for Village of Cinderberry, Phase C, as prepared by George W. Stephens & Associates.

Town Manager: The problem we had with this project was that after the applicant received final site plan approval, nothing was ever recorded with the Recorder of Deeds Office. So now we will have Phases A, B, C, Phase C-1, C-2, and the final phase that will actually be recorded.

Motion by Councilman Ricker, seconded by Councilman Barlow, to grant Case #2006-15 -- Village of Cinderberry -- Final Site Plan Amendment. **APPROVED (unanimous).**

**9. DEPARTMENTAL REPORTS**

**A. GENE DVORNICK – TOWN MANAGER**

**Delinquent Parking Tickets**

The Town has been reviewing delinquent parking tickets that had been turned over to Capitol Credit Services for collection. This was done during 2006 to 2008, prior to our using ComPlus and the handheld ticketing device with linkage to various states motor vehicle departments. The total amount turned over was \$40,910. Since then \$11,127 (27%) has been collected, leaving \$29,783 outstanding. There are several reasons for the low successful collection rate: missing information; handwritten ticket; vehicle license plate transfer; sale of vehicle; etc.

Motion by Councilman Ricker, seconded by Councilman Barlow, to grant the Town Manager authorization to discontinue collection efforts by Capitol Credit Service.

**APPROVED (unanimous).**

**WSFS Certificate of Deposit**

The Town has a \$100,000 Certificate of Deposit with WSFS Bank that matured on August 20, 2011. These funds were placed with WSFS as part of our original loan for the purchase of 37 The Circle. It is the recommendation of the Town Manager and Finance Staff to redeem this certificate and have the money deposited into the Town's Annexation Account with County Bank.

Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to grant Council authorization to redeem to WSFS Certificate of Deposit and have the funds deposited into the Annexation Account. **APPROVED (unanimous).**

**Community Transportation Funds**

The Town has received verbal commitment from Senator Booth to assist with funding in the amount of \$47,576, for the following projects:

**Wagamon Avenue Paving**

Mill and replace 2" base and 1 1/2" top \$ 14,490.00

**North King Street Sidewalk/Curb**

East side \$ 15,055.05

West side \$ 18,030.00

We are extremely appreciative of Senator Booth for this assistance and will be contacting Representative Briggs-King to seek funding for the work on Parsons Lane.

Councilman Barlow: Asked the Town Manager to find out why the paving on Parsons Lane does not last, Parsons Lane has been paved at least 2 times in the last 20 years, there has to be a reason that Parson's Lane is in that kind of shape, let's see what the problem is before we try to fix it.

**Budget versus Actual (July 11) – Three Months (25% of the Year)**

<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>	<u>Notes</u>
General Fund	\$2,752,227	\$1,904,214	\$848,013	69%	1
Water Fund	\$1,247,000	\$302,414	\$944,586	24%	
Sewer Fund	\$2,000,668	\$584,517	\$1,416,151	29%	
Total	\$5,999,895	\$2,791,145	\$3,208,750	47%	

**Expenditures**

General Fund	\$2,950,416	\$751,793	\$2,198,623	25%	
Water Fund	\$1,130,700	\$551,067	\$579,633	49%	2
Sewer Fund	\$1,918,779	\$639,457	\$1,279,322	33%	2
<b>Total</b>	<b>\$5,999,895</b>	<b>\$1,942,317</b>	<b>\$4,057,578</b>	<b>32%</b>	

1. Property Tax Billing – May 1, 2011
2. Bond Principal and Interest – 2003 Bond (previously Principal was paid from Impact Fee Accounts not General Fund)

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

- Real Estate Transfer Tax Revenue, Up **85.62%**
  - YTD FY 2008 \$223,197
  - YTD FY 2009 \$34,796
  - YTD FY 2010 \$57,229
  - YTD FY 2011 \$11,353
  - YTD FY 2012 \$21,074
- Building Permit Revenue, Up **523.55%**

**Miscellaneous**

- East Market Street
  - Pedestal and meter pan installed
  - Waiting on meter installation and electric connection
- Upcoming Events:
  - Sussex County Association of Towns
    - Dinner Meeting – Wednesday, September 7 – Milford
  - Charter Review Committee Meeting
    - Town Hall, Thursday, September 8, 5:30 PM
- Service Anniversaries:
 

Chief Topping	Police Department	13 Years
Rick Hudson	Water Department	13 Years
Jamie Craddock	Planning Department	6 Years

**10. 1<sup>ST</sup> READING OF ORDINANCES**

**A. ORDINANCE #2011-16 VEHICLES & TRAFFIC**

Article I- The Town has received complaints from residents and comments from our Code Enforcement Officer on regulating the parking of vehicles on sidewalks, lawns.

Article II -With the newly installed pedestrian crossing signs, this ordinance reinforces the intent of the signage and sets guidelines for pedestrian traffic.

Article III - Trying to reduce the amount of truck traffic around the circle, with having a truck route available to truck traffic around the outskirts town.

No action at this time. 2<sup>nd</sup> reading and adoption if agreeable will be September 14<sup>th</sup> Town Council meeting.

**B. ORDINANCE #2011-17 PROCEDURE FOR DISCONNECTION**

The Town is wasting funds unnecessarily with certified mailings for disconnect notices each quarter.

Postage/Return Receipt/Certified Fee Cost \$5.59

Total amount of Certified mailed per quarter 142

Total mailed per year (est). 568

47 Certified Returned = 33%

95 Signed for = 67%

Postage per quarter \$793.78

- Average Cost per year \$3,175.12

- Average Cost of Unclaimed/Returned Certified \$1,050.92

Time spent on certified letters

Two Employees/3 Hours Each Cost \$342.60

Annual Cost \$1,370.40

All delinquent properties also have their houses posted with the disconnect date and amount due. Of the 142 certified letters mailed, an average of 20 (14%) properties are still disconnected from water service for nonpayment

No action at this time. 2<sup>nd</sup> reading and adoption if agreeable will be September 14<sup>th</sup> Town Council meeting.

#### 11. PUBLIC COMMENT

Tony Semeraro, 4 Cranberry Ct: The Town has really helped us in the Village of Cinderberry. We have faced enormous obstacles to get to this point, in getting this development finished, on a good financial footing. We feel we are turning a corner and we would be amiss if we did not recognize that the Town has helped us immensely and we appreciate that. I speak only as a resident not as a board member and I just wanted to say thank you to Gene Dvornick, Town Manager and Mayor Brian Pettyjohn for being in the loop, you offered us good advice, and helped us make compromises wherever necessary. We think with this final site plan approval by Council that we have turned a corner after many years and we are very, very hopeful for the first time that we will be able to finish this project in a good way.

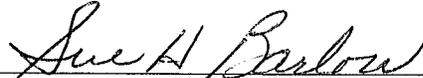
Councilman Ricker asked if the Town could foresee any problems relating to traffic or water and service interruptions with the drainage improvements to Franklin Street and Robinson Street.

Town Manager: There should be no other than normal traffic being delayed, and there shouldn't be any water service lines or sewer lines impacted from the work being done.

#### 12. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 8:02p.m. **APPROVED** (unanimous).

APPROVED:

  
Sue H Barlow, Secretary

ATTEST:

  
Eugene S Dvornick Jr, Town Manager