

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, December 14, 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  
Steve M Hartstein, 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

**6:45 P.M. PUBLIC HEARING      CASE # 2011-18      Annexation Request Application  
Cox 107 Georgetown, LLC**

An annexation application by Patrick W Ryan, French & Ryan, Inc on behalf of Robert Henry, Ambient Care, for the annexation of .86 acres, located on the North side of RT 113 DuPont Highway. The site is comprised of one parcel designated as tax map 1-35-14.00-65.00. The site is located in Sussex County but borders on the municipal line of the Town of Georgetown along its southern boundaries. The application proposes that the site be annexed into the Town of Georgetown and the site zoned as UB-1 (Urban Business District). The applicant first appeared before Town Council on November 9, 2011

Patrick W Ryan, French & Ryan, presented the Council of an overview of the project.

The application was forwarded to the Planning Commission for review and comment at their November 16<sup>th</sup> meeting. The Planning Commission recommended annexation. The Annexation Committee will meet for review and comment at the January 11, 2012 Council meeting. The Annexation Committee will need to report its findings to the Town Council no later than February 8, 2012.

The record will remain open for written comment until the January 11, 2012 meeting.

There were no questions or comments.

Public Hearing Closed at 6:49pm

**7:00 P.M. REGULAR MEETING**

- 1. PLEDGE OF ALLEGIANCE**  
Mayor Pettyjohn led the Pledge of Allegiance.
- 2. INVOCATION**  
Mayor Pettyjohn led the invocation and remembered the families and students of the Virginia Tech shooting and also the family of Lawrence Sammons.
- 3. ADOPTION OF AGENDA**  
Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to adopt the agenda as presented. **APPROVED (unanimous).**
- 4. APPROVAL OF NOVEMBER 9, 2011 TOWN COUNCIL MINUTES**  
Motion by Councilman Barlow, seconded by Councilman Hartstein, to approve the minutes as presented. **APPROVED (unanimous).**

**5. DEMOLITION REQUEST FOR 111 & 115 EAST PINE STREET**

Correspondence was received from Battle Robinson, giving the Town 6 suggestions for resolution to the demolition request by Sussex County.

Councilman Ricker: Does the offer still stand from the County on deeding the house and the land the house sits on for 115 East Pine Street?

Mr Hal Godwin: That there have been several agreements between the Town and Sussex County and none are valid at this time. I have been given direction from the County Council that the property is not for sale and it will be converted into parking spaces, there are no plans on putting money aside for the conversion of these properties and the County wishes to move forward with the demolition request. A letter from Jim Griffin, County Attorney stated that the County was willing to work with anyone who wished to move the structure with a deadline of December 31, 2008 and in addition that the County would donate the demolition cost. That was 3 years ago. No one came forward.

Mayor Pettyjohn asked for a meeting to be scheduled with himself, Battle Robinson, County Council President Mike Vincent, Hal Godwin, and Gene Dvornick.

Town Manager stated that the demolition permit is still valid.

Councilman Ricker: I just want to confirm with Mr Godwin that the County's offer for the structure at 115 East Pine Street is off the table?

Mr Hal Godwin: That is correct, the County's offer is off the table.

Battle Robinson presented the Council with an overview and history of the structure. "A rare structure that needs some attention, possibly built between 1790's and 1820's, had received several renovations and the front portion was the oldest, patented in 1793 to Thomas Bevan, one of the last original oldest homes in Town, has a Gambrel type construction which makes it a very rare structure, and will take a substantial amounts of funding to restore.

Councilman Ricker: I went with Mr Godwin to tour the house, there is substantial termite damage, the house sits directly on the ground, and I agree that it would take a substantial amount of money, I don't think it can be moved, the original back wall has been removed, which I think if it's moved as is the structure would fall down.

Battle Robinson: I spoke with Carlton Moore and he would be willing to serve on an Advisory Committee if one is formed.

Councilman Ricker: From discussions the house will have to be moved and I don't think it will make the trip.

Battle Robinson: It loses its historical significance if the house is disassembled and moved. The original house on the original patent is what makes the house so rare.

Mayor Pettyjohn: That's why we need to meet with the County and determine what our options are.

Battle Robinson: On a different note, I believe the Circle looks beautiful with all the holiday decorations.

**6. DISPOSITION OF 123 EAST MARKET STREET**

Our Counselor has put our insurance company Philadelphia Insurance Company on notice that final resolution is due on or before December 21, 2011 in respect to our claim in addition to an early offer to meet January 2012 should there be any issues that need resolution in respect to our claim. We are not aware of any. The Town has received correspondence from a perspective purchaser of the property.

Jim Fuqua: We did receive an offer to buy half of the property. I have drafted a memo outlining the process if Council favors moving forward to subdivide the property: We would order a survey showing the parcel divided into 2 equal lots, the Town Manager is authorized to approve a minor subdivision involving the relocation of lot lines, if the

subdivision were approved the structure would be demolished which is partially located on both lots, the Council would approve the demolition of the building and the sale of the two lots, the Notice of Sale would be published in a newspaper and posted in the Town office and would require written bids by a certain date, terms of the sale would be subject to the right of first refusal by Sergovic & Carmean as set forth in the existing lease, and sale of lots would be subject to a minimum bid.

Town Manager: The Town had an appraisal done with Masten Real Estate, the appraisal as of December 14<sup>th</sup> shows the fee simple market value is \$220,000. That is the value as a vacant lot. Subdivided the appraisal is approximately \$110,000 per lot.

Councilman Ricker: What is the potential (amount) of our insurance claim?

Town Manager: The property was insured for \$435,000, and the cost estimate to re- build is in the \$380,000 range.

Mayor Pettyjohn: I recommend requiring the written bids in by noon, January 11, 2012 and a minimum bid for each lot at \$110,000, in addition, to the Town being responsible for the demolition.

Motion by Councilman Ricker, seconded by Councilman Barlow to award the demolition bid to Lonnie Phillips for a total of \$10,500. **APPROVED (unanimous)**.

Motion by Councilman Ricker, seconded by Councilman Besche-Martin to move forward with the sale of the property with the process as listed by Jim Fuqua, Town Solicitor, with the sale of lots A & B subject to a minimum bid of \$110,000 each, with bids submitted by, noon, January 11, 2012. **APPROVED (unanimous)**.

## 7. **REVIEW OF CHARTER CHANGES PROPOSED FOR LEGISLATION**

Town Manager: This follows a workshop that was held Tuesday, November 15, 2011 with Council and the Charter Review Committee. There were two items for follow-up: 60 day advance in election registration, that was found in another municipal charter, that was not some requirement of the State law, and the second piece was re-districting, which I have supplied the Mayor & Council with proposed language if this is looked at in the future.

Mayor Pettyjohn: I would like to thank the committee again for all their hard work and dedication during the charter review process. We are very grateful for all time and effort that was put in. Another item of discussion was Term Limits, "No Mayor or Council member may serve for more than four (4) consecutive terms beginning with the April election following the adoption of this charter. A one (1) term lapse must occur before seeking re-election to office after four (4) consecutive terms." I would recommend that term limit reform be addressed at a later time when we deal with re-districting of the ward lines/districts.

Mayor Pettyjohn: "I would entertain a motion to include Section 3.4.4 (1)(c) Term Limits with the charter changes. **CONSIDERATION OF MOTION FAILED**  
**"Without a Motion that Section will be stricken from the Charter"**

Motion by Councilman Ricker, seconded by Council Barlow to submit the proposed Charter to Jim Fuqua, Town Solicitor for further review and then forward on to Legislative Hall for approval. **APPROVED (unanimous)**.

**8. HOLIDAY INCENTIVE**

**A. PARKING METER WAIVER**

The parking waiver if granted will be from Monday, December 19, 2011 thru Friday, December 30, 2011.

Councilman Ricker: The intent was to drive business downtown, it does not do that, it provides free parking for County and State employees.

Councilman Barlow: I agree totally with Bob. This policy started under Layton Johnson when there was actually businesses downtown. It just gives County and State employees a place to park.

Motion by Councilman Ricker, seconded by Councilman Barlow, to deny the parking waiver. **APPROVED** 4-1 Yea: Hartstein, Barlow, Ricker, Pettyjohn Nay: Besche-Martin

**9. RESOLUTION #2011-14 2012 HOLIDAY SCHEDULE**

Adoption by resolution of the actual date of the holiday is required in the Code of the Town of Georgetown. President's Day & Columbus Day will be floating holidays; the Town will be open on those days.

Motion by Councilman Ricker, seconded by Councilman Barlow, to adopt Resolution #2011-14 2012 Holiday Schedule. **APPROVED (unanimous).**

**"Resolution 2011-14 is incorporated as part of the minutes."**

**10. RESOLUTION #2011-15 2012 COUNCIL MEETING SCHEDULE**

Adoption by resolution of the actual date of the meeting is required in the Code of the Town of Georgetown.

Motion by Councilman Barlow, seconded by Councilman Hartstein, to adopt Resolution #2011-15 2012 Council Meeting Schedule. **APPROVED (unanimous).**

**"Resolution 2011-15 is incorporated as part of the minutes."**

**11. 2<sup>ND</sup> READING & ADOPTION OF ORDINANCES**

**A. ORDINANCE #2011-20 EXPIRATION OF APPROVED SITE PLANS**

This ordinance clarifies that preliminary site plans shall expire in two years if final approval is not achieved. Final Site plans shall expire in two years if a building permit is not granted within two years. For already approved site plans, the approval date for purposes of expiration shall begin on the effective date of this ordinance. Public Hearing took place on Oct 26, 2011 Council meeting.

Motion by Councilman Ricker, seconded by Councilman Barlow, to adopt Ordinance 2011-20 Expiration of Approved Site Plans. **APPROVED (unanimous).**

**"Ordinance 2011-20 is incorporated as part of the minutes."**

**B. ORDINANCE #2011-21 HIGHWAY COMMERCIAL (HC) SIGNAGE**

This ordinance allows electronic message display signs within the Highway Commercial district in accordance to specific criteria. Public Hearing took place on Oct 26, 2011 Council meeting.

Mayor Pettyjohn opposes this ordinance due to residences being in close proximity to HC areas.

Town Manager: Currently there are no regulations for this type signage in the HC District; this Ordinance is borrowed language from Sussex County.

Councilman Ricker: I somewhat agree with the Mayor's point of view. I hate to restrict businesses. Maybe a compromise would be to regulate the timing of the flashing signs.

Jim Fuqua: We could designate that signage could only be used along the US113 corridor. The ordinance would specify signs only being used for that specified area, not for all properties zoned HC.

Mayor Pettyjohn: Let's table this item and find a better way to do this.

Motion by Councilman Barlow, seconded by Councilman Ricker, to table Ordinance 2011-21 Highway Commercial (HC) Signage. **APPROVED (unanimous)**.

**C.ORDINANCE #2011-22 DEMOLITION APPLICATIONS IN HISTORIC DISTRICT (HD)**

Revising the application process for demolition within the Historic Conservation Area.

Motion by Councilman Barlow, seconded by Councilman Hartstein, to adopt Ordinance 2011-22 Demolition Applications in Historic District (HD). **NO VOTE WAS TAKEN**

Town Council's concern was this Ordinance added another layer of regulations, reviews, and expenses, when not necessary, for all demolition applications in regards to structures and sheds within the Historic Conservation Area.

Motion by Councilman Ricker, seconded by Councilman Barlow, to table Ordinance 2011-22 Demolition Applications in Historic District (HD). **APPROVED (unanimous)**.

**12. DEPARTMENTAL REPORTS**

**A. GENE DVORNICK – TOWN MANAGER**

**2012 Health Care**

Our 2012 Health Care cost is reflecting an anticipated reduction of 2.54%:

	<u>2011</u>	<u>2012</u>	<u>% Chg</u>
Projected Total Cost	\$ 472,246.00	\$ 460,228.00	-2.54%

Our savings is directly attributed to:

- Continued focus on preventative health measures;
- Increasing the contract stop loss deductible from \$35,000 to \$37,500;
- Increasing the co-pay on ninety (90) day prescription (mail order) from \$3.00 to \$15.00 per prescription; and
- Mandatory Wellness Screening for all employees.

This is in comparison to an industry trend estimated at a 9.5% increase in costs for 2012.

**Budget versus Actual (October 11) – Six Months (50%)**

<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
General Fund	\$2,752,227	\$2,198,797	\$553,430	80%
Water Fund	\$1,247,000	\$656,844	\$590,156	53%
Sewer Fund	\$2,000,668	\$1,308,589	\$692,079	65%
Total	<u>\$5,999,895</u>	<u>\$4,164,230</u>	<u>\$1,835,665</u>	<u>69%</u>

**Expenditures**

General Fund	\$2,950,416	\$1,497,659	\$1,452,757	51%
Water Fund	\$1,130,700	\$674,286	\$456,414	60%
Sewer Fund	\$1,918,779	\$907,614	\$1,011,165	47%
Total	<u>\$5,999,895</u>	<u>\$3,079,559</u>	<u>\$2,920,336</u>	<u>51%</u>

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

<u>Year to Date</u>	<u>Transfer Tax</u>	<u>Building Permit</u>
FY 2012	\$47,652	\$46,890
FY 2011	\$21,738	\$18,035
FY 2010	\$92,923	\$18,280
FY 2009	\$69,416	\$27,235
FY 2008	\$337,073	\$18,880
	<b>Up 119.21%</b>	<b>Up 159.99%</b>

**Storm Drain Pipe Replacement – Franklin & Robinson Streets**

Work on the replacement of the failing storm drainage piping located on Franklin Street and Robinson Street (Ward 3) started on Monday, November 28 and is completed.

**Employee Benefit Meeting**

The Annual Meeting with Employees to review Benefits and Town Policies is scheduled for Thursday, December 15, 2011, 10:00 AM at the Fire Hall. In addition to information provided by the Town, representatives from Aflac, Boston Mutual, and American General will be available.

**Memorial – Chief Harvey Gregg**

The Town is working with Chief Gregg’s daughter, Ms. Julie McCabe, with respect to the design and placement of permanent memorial for Chief Gregg – addition information will be provided as the design develops. Goal is the have installation in either April or May 2012.

**4 & 8 North King Street - Demolition**

The Town has received bids for the removal of the structures on 4 and 8 North King Street:

<u>Contractor</u>	<u>4 North King</u>	<u>8 North King</u>	<u>Total</u>
John Macklin & Sons	\$ 5,500.00	\$ 6,800.00	\$ 12,300.00
Lonnie Phillips	\$ 6,200.00	\$ 7,800.00	\$ 14,000.00
NCM Demolition	\$ 8,474.00	\$ 9,058.72	\$ 17,532.72
SuperClean	\$ 7,300.00	\$ 10,600.00	\$ 17,900.00

Based on review, it is recommended to award the bid to John Macklin & Sons with demolition to take place as soon as possible.

Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to award the demolition for 4 and 8 North King Street to John Macklin & Sons at an amount not to exceed \$12,300.00. **APPROVED (unanimous).**

**4 & 8 North King Street – Sale Listing**

The current listing on these two properties expires on December 31, 2011. It is recommended to hold off on relisting until the demolition of the structures has taken place and an updated sales/market analysis, as vacant land, can be obtained.

Motion by Councilman Barlow, seconded by Councilman Ricker, to hold off relisting until the demolition has been complete. **APPROVED (unanimous).**

**Mission Controls**

The Town has received a quote from Whel-Tech for the installation of Mission M112 SCADA monitoring devices at pump stations on Burton Street and Stevenson Lane (\$6,532.00); and relocation of the monitoring device from the Sand Hill Road Pump Station to the Cinderberry Pump Station (\$924.00).

Motion by Councilman Ricker, seconded by Councilman Hartstein, to authorize the installation of two (2) Mission Control Systems and relocation of an existing device to Whel-Tech at an amount not to exceed \$7,500.00. **APPROVED (unanimous).**

**Pilot Project – “Complete Communities”**

The University of Delaware, Institute for Public Administration is working on behalf of DelDOT and the Office of State Planning Coordination to initiate a project entitled, *Formulating a Framework to Plan for Complete Communities in Delaware*. The idea behind complete communities is to use less land and reduce the separation of land uses in order to achieve a variety of values including open space protection, community vitality, affordable housing, air quality, transit use, and more walkable places.

One of the project elements is to work with a couple of “pilot” communities in Delaware to further define what constitutes a complete community, how complete communities can be achieved in Delaware, and what hurdles need to be overcome to move towards this concept. I am pleased to announce that Georgetown has been asked to be one of the “pilot” communities. This is offered at No Cost to the Town.

Councilman Ricker & Councilman Barlow: We have a very good, working Planning Commission and I have a problem with the Office of State Planning coming into Town and doing anything.

Motion by Councilman Besche-Martin, to approve endorsement of our participation in the pilot program. **NO SECOND, MOTION DIED**

**Miscellaneous**

- Water Leaks:
  - Number 34: 31 The Circle – abandoned 1” service at the main
  - Number 35: 219 West Market Street – abandoned 1” service at the main
  - Number 36: 20 Chestnut Street – repaired 1” line to stop leak
  - Number 37: 20 Chestnut Street – abandoned 1” service at the main
- Upcoming Events:
  - Town Offices will be closed as follows:
    - Monday, December 26, in observance of Christmas
    - Monday, January 2, in observance of New Year’s
  - Sussex County Association of Towns
    - Sussex Pines, Wednesday, January 4, 6:00 PM (Legislative Night)
  - SCAT Steering
    - Georgetown Airport, Friday, January 6, 9:30 AM
- Employee Service Anniversaries:
  - Keith Hudson Wastewater 33 Years

**B. BILL TOPPING – CHIEF OF POLICE**

Chief of Police, Bill Topping presented the Council with incident statistics for all Wards. The department has recently acquired \$200,000 worth of items (military and surplus), at no cost to the Town under the Law Enforcement Support Office (LESO) through the Department of Defense. Mayor & Council recently received an email with information on the burglary suspect and items that were recently recovered. Through the Sussex County Revenue Sharing Grant the Town received \$22,500 making it possible for various renovations within the station.

Councilman Ricker: The Georgetown Police Department responded to 221 incidents occurring outside of our jurisdiction in addition to incidents occurring within the Town limits.

Chief Topping has been appointed by the Governor, to a Commission to investigate medical coverage to municipal police officers after retirement. The Commission wants to tie this into Aubrey Spicer, making it retroactivity at the time of Chad's death giving her coverage until she is 18 or 23, if she goes to college.

### 13. PUBLIC COMMENT

Correspondence from Phyllis and Gerald Hitchens, 22338 Gravel Hill Rd, Georgetown, commending the Town and staff on their vision and hard work in making the Town come to "Light".

Todd Lawson, Sussex County Administrator Appointee, also commended the Town on the decorations, especially the poles.

Cathy Wood, Denton, Maryland, thanked the Town for having a nativity scene placed in the Circle.

Gene Dvornick, Town Manager and Chief Bill Topping received a plaque from the Chamber of Commerce for all their hard work with 62<sup>nd</sup> Annual Chicken Festival.

Tony Semeraro, 4 Cranberry Court: I have seen an improvement in the properties due to the efforts of the Code Enforcement Officer, Paula Laymon. I would like to suggest that when we talk about those two properties on East Pine Street, that everything is done and resolved before Return Day. I am also encouraged with the process and direction the Town is taking with 123 E Market Street, the Town is on a positive path, which hopefully will help bring resolution from the insurance company. In addition, I am very, very appreciative in seeing the Town look so good this holiday season.

Jean Coar, 206 S Front St: I am concerned with rental properties on South Front Street; I have spoken with Brian, Annie, and worked with Paula. My concern is with transitional homes in the area, there is approx. 7 transitional homes within several blocks of our home. I am hoping that maybe you can control the amount coming into our area (Town). I am concerned with the rental properties across street from us becoming transitional homes and ask that the Council help prevent them from becoming transitional housing. In addition the Town does look beautiful this holiday season.

Councilman Ricker: I would like urge our Town Council, our Town Manager, Planning Department, and Code Enforcer to stay on them and stay active to clean up those infractions and violations.

Mayor Pettyjohn: I too have heard good things about our Code Enforcement Officer, and would encourage anyone to contact our Code Enforcer with any issue they may have.

Councilman Barlow: I would like to thank the individuals that helped decorate Town Hall, Angie Townsend, Linda Dennis, Elaine Reynolds, Joanne Andresen and Alma Thorsten and the Santa House, which my sister, Abby O'Brien, made the new curtains for. Joanne Andresen and Alma Thorsten also baked items for the Police Officers on duty the night of the Christmas Parade.

Linda Dennis, 4 Huckleberry: I want to speak on the special needs housing, that perhaps the Town look into establishing a formal way to have a moratorium placed and look at saturation policies that have been developed and established in other areas and states, to deal with the citing of special needs housing. It's apparent that Georgetown has their share, and it's time for the Town and the Council to put parameters around future development, and that includes anything that comes before the Planning Commission. I am not suggesting the anything that is here should leave, but I am suggesting that some reasonable process be instituted where by any future applications come before a body to



be reviewed seriously for some consideration as to distance between these homes. In certain streets there are 4 or 5 of them within one block. I would ask that you give this some consideration and ask that perhaps the Town Solicitor look into some of these ordinances that were passed elsewhere.

Mayor Pettyjohn: That is a very complex issue that other Towns have faced and tried to deal with, I would ask Jim Fuqua, Town Solicitor, to do some research and look over the Transitional Housing issues.

Councilman Ricker: That is a complex issue and I know that there are State laws that supersede the Town's jurisdiction on that type of housing, and actually take the authority away from our Planning Commission.

Linda Dennis: Then our representatives and senators need to be contacted to address this problem.

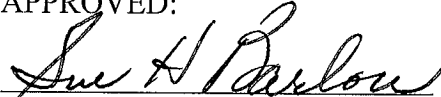
Councilman Ricker: The thing we are bombarded with is the demographics, and the fact is our Town has a lot of transitional housing, and because of the social services that are offered within the Town itself, that is looked at by a lot businesses and people that perform demographic surveys as to how viable the Town is to have certain businesses come to Town. You are right on the money, Ms Dennis with your comment, I agree fully.

14. **ADJOURNMENT**

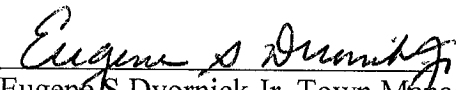
Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 8:27p.m.

**APPROVED (unanimous).**

APPROVED:

  
Sue H Barlow, Secretary

ATTEST:

  
Eugene S Dvornick Jr, Town Manager