

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, June 22, 2011
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 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
Chief Topping, Chief of Police
Elaine Reynolds, Meter Attendant

6:45 P.M. PUBLIC HEARING – CASE #2010-04 – KGB PROPERTIES/16 MILE BREWING CO

A Conditional Use one year review for the approval granted by Town Council on June 9, 2010. The property is located at 413 South Bedford Street, identified as Sussex County Tax District 135 Map 20.00 Parcels 50.00 & 50.04 zoned Neighborhood Business (UB2).

Brett McCrae: Asked if Council could extend the hours for tours until 7:00pm on Monday thru Friday, and the yearly annual review. As it stands today it hard to obtain any type of financing to expand our business due to continual review by Council, the banks feel the permission can be taken away at any time, therefore our inability to repay the loan. In addition, to expanding the number of employees to fifteen.

Mayor Pettyjohn - Item #10 "Retail sales of alcohol are limited to on-site Micro-brewery product for off premise consumption".

Brett McCrae: That was how the old law used to read, as of July 2010 that was amended to read "on premise consumption."

Town Manager: There have not been any complaints filed against the brewery.

Mayor Pettyjohn: As far as the conditions - Has there been monthly reporting of the daily flows from your private well? Have you been doing that?

Brett McCrae: Uh-ha

Mayor Pettyjohn: Connection to the Town infrastructure for water & sewer?

Brett McCrea: Yes, it has been done for about a year.

Joe Newell, Park Avenue: If the application is not up for review in a year that leaves the application open-ended. He could do whatever he chooses to do.

Brett McCrea: **Response not audible on tape.**

Joe Newell, Park Avenue: I noticed that the property next to the road has been cleared.

Gary McCrae I cleared the lot it has nothing to do with brewery at all.

No Further Comments

The Public Hearing was closed at 6:55pm

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

ITEM #9A EXECUTIVE SESSION was added for a strategy session involving legal advice or opinion from an attorney-at-law with respect to pending or potential litigation.

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

4. APPROVAL OF JUNE 8, 2011 TOWN COUNCIL MINUTES

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

5. TICKET APPEAL – BRENDA E JOHNSON

Ms Brenda E Johnson received a ticket April 19, 2011 for parking overtime on the circle. Ms Johnson asked for an Appeal Board for dismissal of her ticket.

Ms Johnson claimed she was in Court at the time of ticket, my daughter was driving my car at the time, and she left to go to the store, and returned to park in the same spot. Ms Johnson claimed she had a witness seeing the vehicle leave and return to the same parking spot. Ms Johnson did not bring the witness with her.

Chief Topping – You have a copy of the law, Ms Reynolds documented the time and location of the violation, and without any other witnesses or any other evidence to be presented by Ms Johnson, it is pretty conclusive that she was parked there and Ms Reynolds did her job properly by citing her for parking overtime. It is also discussed earlier that same day that other employees in the Town Hall observed her parking there overtime.

Ms Johnson – The car was moved and I know for a fact it was moved.

Mayor Pettyjohn – All we're asking for some kind of co-operation, a receipt, a witness anything, to prove that the car was moved.

Motion by Councilman Ricker, seconded by Councilman Barlow, to deny the appeal of the parking ticket on the grounds there were no witnesses that were presented during testimony to collaborate the story. **APPROVED (unanimous).**

6. CONDITIONAL USE APPLICATION – KGB PROPERTIES/16 MILE BREWING CO – CASE #2010-04

An application by Brett McCrea, on behalf of KGB Properties, for a conditional use to allow a beer brewery to be located at 409 & 413 South Bedford Street, identified as Sussex County Tax District 135 Map 20.00 Parcels 50.00 & 50.04 and are currently zoned Neighborhood Business (UB2).

Mayor Pettyjohn recommended the following changes to the Amended Exhibit A – Conditional Use Application – Case#2010-04.

Item#5 - Number of employees shall not exceed five to fifteen.

Item #10 – Public Tours, with onsite consumption, and retail sales may be conducted within the hours of 7 AM to 5 7 PM, Monday through Friday, and 9 AM to 6 PM on Saturday. ~~Retail sales of alcohol are limited to on-site Micro-brewery product for off premise consumption.~~

~~Item #11 - Conditional Use application shall be scheduled for review in a public hearing by the Town Council one year after operation begins and one year after conditions are updated.~~

Motion by Councilman Ricker, seconded by Councilman Barlow, to amend Exhibit A to reflect the following changes. **APPROVED (unanimous)**.
“Exhibit A is incorporated as part of the minutes.”

6A. 1ST READING OF ORDINANCE

A. ORDINANCE #2011-15 YARD SALES

The Town has received complaints from residents and comments from our Code Enforcement Officer of several properties repeatedly holding yard sales on the weekend. No action at this time. 2nd reading and adoption if agreeable will be July 27th Town Council meeting.

Councilman Barlow voiced concerns over the allowed number of yard sales per year for churches and non-profit organizations. Councilman Barlow recommended that churches and non-profit organizations be exempt from this ordinance. Council agreed.

**7. OFFICE OF DRINKING WATER – BINDING COMMITMENT OFFER
DELAWARE DRINKING WATER STATE REVOLVING FUND LOAN**

On behalf of the Delaware Drinking Water State Revolving Fund, has authorized a loan to the Town of Georgetown in the amount of \$2,199,410 at an interest rate of 0%, with 100% principal forgiveness, upon completion of the project. The Loan will be used for the costs associated with the installation of service mains & laterals. All legal costs, incurred, associated with loan closing shall be borne by the Town and may become part of the loan proceeds.

In the event the project is not completed, full amortization of the principal of any funds drawn over the course of construction on the project will be due and payable in semi-annual payments over a thirty (30) year term (“Loan Repayment”).

Motion by Councilman Ricker, seconded by Councilman Barlow, to approve the Binding Commitment Letter for service mains & laterals. **APPROVED (unanimous)**.

8. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

FY 2011 Audit

Audit fieldwork has been completed. The auditors will be returning occasionally in July for follow up items. It is anticipated that an audit report should be issued before September 1, 2011.

July Town Council Meeting

The Town Manager is scheduled to be away for the July 13th meeting and the Town Clerk will be out of the office for three weeks in July which includes the July 13th meeting.

Motion by Councilman Besche-Martin, seconded by Councilman Ricker, to cancel the July 13, 2011 Town Council Meeting. **APPROVED (unanimous)**.

Pedestrian Crossing Signs

The Town has received some complaints from pedestrians trying to cross the Circle. In an attempt to make drivers more aware of the crosswalks and the associated pedestrians, a “State Law Stop for Pedestrians Within Crosswalk” safety sign was purchased and placed at the crossing where East Market Street enters The Circle. Due to positive feedback, it is suggested we purchase three (3) additional signs for the

other entrances to The Circle. The Town has permission from DelDOT provide the Town be responsible for purchase, installation and maintenance.

Motion by Councilman Ricker, seconded by Councilman Barlow, to authorize to purchase three (3) additional signs at an amount not to exceed \$1,000. **APPROVED (unanimous).**

Legislative Items

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

<u>Bill</u>	<u>Description</u>	<u>Position</u>	<u>Status</u>
SB 64	Floodplain and Drainage	Support – with SA 2	06/16/11 Passed Senate 06/22/11 Out of Comm
SB 110	Charter Amendment	Support	06/16/11 Passed Senate 06/21/11 House Admin
SB 126	Office of State Planning	Support	06/15/11 Out of Comm
HB 143	Fund to Combat Violent Crime	Support – with HS 1	06/16/11 Passed House Tabled in Committee
TBD	Aubrey Spicer Health Care	Support	Not yet introduced

2010 Consumer Confidence Report (CCR)

The Town has completed the 2010 CCR. It is posted on the Town’s web site, has appeared in the Sussex Countain and Notices of Availability are posted. We did not have any violations.

Budget versus Actual (May 11) – One Month (8.33% 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	\$1,532,729	\$1,219,498	56%	1
Water Fund	\$1,247,000	\$932	\$1,246,068	0%	
Sewer Fund	\$2,000,668	\$269,476	\$1,731,192	13%	
Total	\$5,999,895	\$1,803,136	\$4,196,759	30%	

Expenditures

General Fund	\$2,950,416	\$217,621	\$2,732,795	7%	
Water Fund	\$1,130,700	\$403,414	\$727,286	36%	2
Sewer Fund	\$1,918,779	\$350,134	\$1,568,645	18%	2
Total	\$5,999,895	\$971,169	\$5,028,726	16%	

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, **Down 36.87%**
 - YTD FY 2008 \$56,065
 - YTD FY 2009 \$11,024
 - YTD FY 2010 \$9,600
 - YTD FY 2011 \$2,970
 - YTD FY 2012 \$1,875
- Building Permit Revenue, **Down 41.10%**

Miscellaneous

Water Leaks:

- Number 23 - 24: 206 East Market Street
 - Replacement of 2" service line
 - Abandoned 5 – 1" lines
- Upcoming Events:
 - Charter Review Committee Meeting
 - Town Hall, Monday, June 27, 5:30 PM
- Service Anniversaries for June:

Sean Lecates	Public Works	1 Year
Daniel Donaway	Water Department	7 Years
Robert Fletcher	Public Works	17 Years
Christopher Story	Police Department	4 Years

Councilman Ricker complimented the Town Manager on his presentation at the Chamber luncheon held today, Wednesday, June 22nd at the CHEER Center.

9. PUBLIC COMMENT

Lawrence Sammons, North Bedford Street: Is growing impatient with Town Council in deciding what to do with yard waste. Mayor Pettyjohn assured Mr. Sammons that the Town was investigating other alternatives for yard waste. Town Manager stated that the Town will know something at the August 10th Town Council meeting.

Clayton Townsend, 20293 Ennis Rd: I appreciate the pedestrian crosswalk signs, and agree they're needed, but I have concerns with eighteen wheelers and big trucks making the turn on to Bedford and Market Streets. I would hate to see the Town spending money on signage and continually having to replace the signs.

9A. EXECUTIVE SESSION

Mayor & Council will meet in Executive Session for a strategy session involving legal advice or opinion from an attorney-at-law with respect to pending or potential litigation.

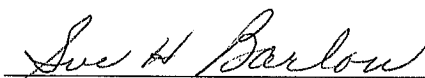
Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn to Executive Session at 7:32p.m. **APPROVED (unanimous).**

Executive Session exited at 7:39p.m.

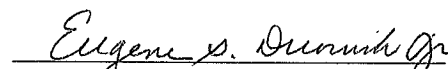
10. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 7:40p.m. **APPROVED (unanimous).**

APPROVED:


Sue H Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager