

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, June 8, 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

7:00 P.M. REGULAR MEETING

1. **PLEDGE OF ALLEGIANCE**
 Cadet Patrick Ford led the Pledge of Allegiance.
2. **INVOCATION**
 Mayor Pettyjohn led the invocation.
3. **ADOPTION OF AGENDA**
ITEM #4A SPECIAL RECOGNITION – CADET PATRICK FORD was added.
ITEM #8B DEPARTMENTAL REPORTS – BILL TOPPING – CHIEF OF POLICE was deleted.
 Motion by Councilman Ricker, seconded by Councilman Barlow, to adopt the agenda as amended. **APPROVED (unanimous).**
4. **APPROVAL OF MAY 25, 2011 TOWN COUNCIL MINUTES**
 Motion by Councilman Barlow, seconded by Councilman Ricker, to approve the minutes as presented. **APPROVED (unanimous).**
- 4A. **SPECIAL RECOGNITION – CADET PATRICK FORD**
 A tribute was presented to Cadet Patrick Ford, for his accomplishments in achieving the prestigious “JROTC Senior Army Instructor Award”.
5. **REQUEST FOR REDUCTION – LA RED ESCROW ACCOUNT**
 The Town has received a request from La Red to release \$58,116.77 from the La Red Escrow Account.

| <u>Item</u> | <u>Description</u> | <u>Additions</u> | <u>Subtractions</u> | <u>Escrow Balance</u> | |
|-------------|-----------------------------|------------------|---------------------|-----------------------|--|
| 1 | Opening Deposit | \$360,000.00 | | \$360,000.00 | Escrow Acct TC Approved March 9, 2011 |
| 2 | Release - Application #1 | | \$16,109.40 | \$343,890.60 | |
| 3 | Release - Application #2 | | \$121,737.60 | \$222,153.00 | \$137,847.00 TC Approved Release April 27, 2011 |
| 4 | Application #3 | | \$48,758.25 | \$173,394.75 | |
| 5 | Town Fees | | \$9,358.52 | \$164,036.23 | \$58,116.77 Requested Amount |

Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to authorize the release of \$48,758.25 from the La Red Escrow Account payable to Sussex Entertainment and to also authorize the release to \$9,358.52 payable to the Town of Georgetown. **APPROVED (unanimous).**

6. VILLAGE OF CINDERBERRY – PUBLIC WORKS AGREEMENT

Public Works Agreement defines specific improvements and costs, standards, and requirements required by the Town.

Town Manager summarized the terms of the Public Works Agreement between the Town of Georgetown and County Bank.

1.) Agreement is crafted to apply only to the pump station, roadway completion and storm water management “as built”. 2.) Section 2.A.2 incorporates the 50/50 split for the pump station work that we agreed upon. 3.) Section 2.A.5 sets forth the requirement for the Bank to pay for the traffic signs that are not code compliant. 4.) Section 5.10, Town’s agreement to accept the roadways in phases. 5.) Section 5.13, 25% of the fees are due at or before building permit issuance, and the remaining 75% are due at or before C of O. 6.) Section 5.16, clarifies County Bank is only responsible for the work as addressed in this agreement. 7.) Section 6.3, the Bank is responsible for assembling the documents applicable to the roadway work and the Town is responsible for assembling the documents for the pump station. 8.) Section 6.5.B., removed the one-year guarantee period on the roadways. Bank is not in a position to fund any work in addition to the roadway work in Exhibit B. 9.) Section 14.1, formalized all parties’ understanding at this point that there is no additional work necessary for the provision of sewer, public water, or street lights within the development. 10.) Section 15.3, Town’s agreement to raise the fire hydrant that is located in Phase C.

Town Manager: One Section 5.1 is incomplete, which the Town’s Engineer and the site work for the roadway work from David G Horsey & Sons is actually identifying which site plan is being recorded as the official plan. The official site plan was never recorded back in 2006.

Motion by Councilman Barlow, seconded by Councilman Besche-Martin, to approve the Village of Cinderberry Public Works Agreement. **APPROVED (unanimous)**.

“Public Works Agreement is incorporated as part of the minutes.”

7. 1ST READING OF ORDINANCES

A. ORDINANCE #2011-14 SMOKING PROHIBITED ON CIRCLE

The American Lung Association in Delaware, through a contract with the Delaware Division of Public Health, was seeking applications from municipalities, local governments, and communities who are interested in changing tobacco control policy in their communities. A grant was awarded to the Town. Funds for the grant are made available from the American Recovery and Reinvestment Act. The Town was awarded a \$2,500.00 grant. No action at this time. 2nd reading and adoption if agreeable will be June 22nd Town Council meeting.

Mayor Pettyjohn: Since when is smoking illegal. I am not a big fan of this. I have a problem with restricting smoking in open air spaces.

Councilman Barlow: I have a problem with putting an Ordinance on the books that is not enforceable. The Georgetown Police Department is busy enough without having to enforce a smoking ban on the circle. Another problem I have is the State wanting to ban smoking everywhere but they collect millions in

taxes on tobacco products. We (the Town) do not need to ban smoking in the Town of Georgetown.

Motion by Councilman Ricker, seconded by Councilman Hartstein, not to go for a second reading on Ordinance #2011-14. **APPROVED (unanimous).**

Motion by Councilman Ricker, seconded by Councilman Barlow, to return the grant funds. **APPROVED (unanimous).**

8. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

FY 2011 Audit

Audit fieldwork began on Monday, June 6 – it is anticipated that an audit report should be issued before September 1, 2011.

2011 Senior League Softball World Series

The Town will again loan our light tower in support of the Softball World Series, from August 7 to August 13. This is the same as last year. In exchange for the use, the Town has been given a free full page ad in the program.

July Town Council Meeting

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 27th meeting.

Legislative Items

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

| | | |
|--------|------------------------------|---------------------------|
| HB 143 | Fund to Combat Violent Crime | Opposed – in current form |
| SB 64 | Floodplain and Drainage | Opposed |
| SB 110 | Charter Amendment | Support |
| TBD | Aubrey Spicer Health Care | Not yet introduced |

Additionally, we have requested that \$4.0 million in additional Municipal Street Aid be provided from the ***Building Delaware's Future Fund*** that the Governor has requested be provided as a supplement to the Transportation Trust Fund.

Miscellaneous

- Water Leaks:
 - Number 8: 212 West Laurel – Replaced Service Line
 - Number 9: 213 West Laurel – Replaced Service Line
 - Number 10: 123 West Market Street – Abandon service at Main
 - Number 11: 124 West Market Street – Replaced service line
 - Number 12: 310 North Race – Repaired service from curb
 - Numbers 13 – 22:
 - 208 – 230 East Market Street
 - Replacement of service lines
 - Abandonment of old lines
- Upcoming Events:
 - Charter Review Committee Meeting
 - Town Hall, Thursday, June 9, 5:30 PM
 - Town Hall, Thursday, June 16, 5:30 PM
 - Delmarva Chicken Festival
 - Delmarva Christian High School, Friday, June 17 and Saturday June 18, 10:00 AM to 8:00 PM

Prior to the Chicken Festival and on a permanent basis DelDOT is installing "NO Stopping, Standing or Parking" signs on US RT9 from Sandhill Rd to Park Avenue, from Sandhill Rd into Town along East Market Street for .25 miles, on the Sandhill Rd heading North for .25 miles, and also along Airport Rd to the Delmarva Christian High School. The Town will be responsible for maintaining the signs.

Councilman Barlow and Councilman Ricker asked that the Town Manager send a letter to DelDOT in opposition to posting the section from Sandhill Rd heading west along East Market St into Town.

The Georgetown Police Department on Sunday morning surveyed 175 vehicles with out of state tags. The vehicles are being identified on a spreadsheet by streets to see if they're tied to rental properties, apartments or other things.

B. BILL TOPPING – CHIEF OF POLICE

Deleted with adoption of the agenda.

9. PUBLIC COMMENT

Linda Dennis, 4 Huckleberry Dr, I want to suggest to Council not to repeat what happen with the Village of Cinderberry with the final site plan falling through the cracks, perhaps working with the Planning Department with a way of tracking the process, and not leaving the burden with the Developer.

Councilman Ricker recommended bringing the Planning Commission up to speed on exactly what has taken place with people not doing what their suppose to so in the future they know what to look for.

Kevin Ford, thanked the Mayor and Council for the recognizing a young man, his son who is planning on being a future military service member. We really appreciate it. Thank you.

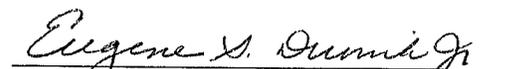
10. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 7:25p.m. **APPROVED (unanimous).**

APPROVED:


Sue H Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager