

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, March 23, 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
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

**6:45 P.M. PUBLIC HEARING – CONDITIONAL USE APPLICATION –
CASE#2010-25**

An application by Isaiah Thomas Baker, with Sound Machine and First State Awards, for a conditional use to allow two businesses to be located at 300 Nancy Street. The property is identified as Sussex County Tax District 135 Map 19.07 Parcel 17.00 and is currently zoned Urban Residential (UR1).

Mr Baker presented the Council with an overview of the application. Mr Baker is requesting to allow two businesses (Sound Machine & First State Awards) to operate on the property. Time limits will be 10:00am to 9:00pm, Monday thru Saturday for the recording studio. There will be no employees except for the owners. Customers will be by appointment only.

Mayor Pettyjohn: Read the recommendations from the Planning Commission. The applicant agreed to the recommendations.

Councilman Ricker: Voiced concerns on traffic generated by deliveries and shipments, the sound proofing of the structure, and the hours for the recording studio.

Mr Baker: Deliveries will be made by UPS, completed orders will be picked up by the customer with a scheduled time or delivered by myself. Walls are soundproofed with 40 tons of sand and sheetrock; work will not be done later than 9pm. The recording business was incorporated in 1996, nothing is being proposed that hasn't been in place already. Appointments are made for the engraving business. The engraving awards business has been there since 1993. The awards business hours will be from 10:00am to 7:00pm, Monday thru Thursday. There are no warehouse facilities, and will be no warehouse facilities.

Councilman Ricker: Voiced concerns with the hours of 9:00pm for the recording studio. I would urge Council to reconsider that.

Town Manager: The Town has in effect a Noise Ordinance, Chapter 144; it appears that 7:00pm is the time the noise ordinance goes into effect, 10:00pm in some areas.

Correspondence received:

Wayne Wilson, 309 James Street, expressed concern for pollution such as dust, or odors being released into the air in a residential area of Town.

Mr Baker: That issue has been addressed by the installation of a box with acoustic foam, which keeps the particles, dust and noise down.

Chris Lord, owner Crown Trophy, Lewes, Delaware, similar to this business.

These two items will be entered as part of the record.

In Favor:

Michael Johnson, 302 Nancy Street, lives next door to the property for 19 years. Noise level was not problematic; I like the reduction of the hours. Pleased with changes and improvements made to the property.

In Opposition:

No one spoke in opposition.

This item will be placed on the April 13th Town Council agenda, leaving the record open for 21 days.

Public Hearing closed at 7:13pm.

7:13 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 Barlow, to adopt the agenda as presented. **APPROVED (unanimous).**

4. APPROVAL OF MARCH 9, 2011 TOWN COUNCIL MINUTES

Motion by Councilman Koskey, seconded by Councilman Barlow, to approve the March 9, 2011 minutes as presented. **APPROVED (unanimous).**

5. BOY SCOUTS ANNUAL FUNDING REQUEST

Louise Rathfon presented the Council with an overview of anticipated expenses for the Cub Scouts and Boy Scout Troop.

The Scouts made their annual request for funding from the Trust Fund Administered by the Town. The fund was established from the proceeds of the sale of the property and building that now houses the Possum Point Players. Each year, a total of \$5,000 is distributed equally between the Boy and Girl Scout units in Georgetown. Earned interest for FY11 is \$424.61 and there is a balance as of February 28th of \$22,295.54 (of which \$19,000 is in a CD).

Motion by Councilman Ricker, seconded by Councilman Barlow, to approve the funding request in the amount of \$2,500.00 for the Boy Scouts. **APPROVED (unanimous).**

6. REQUEST FOR FINANCIAL SUPPORT – DUNBARTON ESTATES LLC

The Severn Companies appeared before Council last year with a request for financial support as part of their loan application with the Delaware State Housing Authority. The loan application last year did not score a high enough ranking for points with Delaware State Housing Authority so they are applying again this year, The total cost of the project is in excess of \$2million with a potential tax incentive of \$25,066, building permit savings of \$22,813, with a

total savings of \$47,879, which would hopefully satisfy the requirements for the Delaware State Housing Authority funding.

Motion by Councilman Ricker, seconded by Councilman Koskey, to send the three letters of support as presented. **APPROVED (unanimous).**

7. **2nd PRESENTATION & ADOPTION OF FY12 BUDGET PROPOSAL**

The Budget Workshop on Monday, March 21, 2011 presentation has been posted on our website. The Finance staff and I have prepared three summary sheets outlining alternatives to address the deficit:

1. Implementation of the items presented during our March 21 workshop;
2. Implementation of a tax increase to offset the deficit; and
3. Implementation of tax increase and servicing debt from the Impact Fee accounts.

We'd like to schedule a second workshop with the Mayor and Council for Monday, April 4, at 4:30 pm to review the options, select an option and finalize the budget.

Mayor Pettyjohn: Alternative #1-presented not laying off any employees, a 36% tax rate increase, in addition to a 32% sewer rate increase. Alternative #2- a partial tax rate increase (28%) with the same 32% sewer rate increase, and move \$100,000 out the Impact Fee Account to service the debt.

Councilman Koskey: Information available for the next workshop, Comparison to other municipalities for tax rates, could there be any other options that are available.

Mayor Pettyjohn: At the workshop we talked about a 10% tax increase and a 32% sewer rate increase which works out to be approximately \$100.00 increase per year per household. I am very, very worried about raising the tax rate.

Councilman Ricker: Can you point to anything specific that over the past year or two that raises our cost of doing business.

Town Manager: Fuel is the largest, and the second part is the debt payments related to the water and sewer improvements since the original construction of the treatment plant on Cedar Lane. One area of savings has been in not replacing staff when they've left, it's been well over \$200,000 in savings, which equates to approximately \$5.97 worth of property tax increases.

This item was tabled at this time. This item will be presented for adoption at the April 13 Regular Council Meeting.

Town Council confirmed Monday, April 4, at 4:30 for a workshop on the FY 2012 budget.

8. **CARPENTERS UNION PUBLIC WORKS AGREEMENT**

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

Motion by Councilman Koskey, seconded by Councilman Ricker, to approve the Carpenters Union Public Works Agreement. **APPROVED (unanimous).**

9. **BOARD OF ADJUSTMENT APPOINTMENT**

Matthew Walsh has not attended a meeting since his appointment in June. Mr Walsh was contacted in regards to his absenteeism and agreed that in the

Town's and the Board's best interest he should step down. The vacancy was advertised in the Sussex Countain and on the Town's website. The only letter of interest received was from Linda Dennis.

Mayor Pettyjohn recommended the appointment of Linda Dennis to the Board of Adjustment.

Motion by Councilman Koskey, seconded by Councilman Besche-Martin, to approve the Mayor's appointment. **APPROVED (unanimous).**

10. CHARTER REVIEW COMMITTEE
A. ADOPTION OF RESOLUTION #2011-2 CHARTER REVIEW COMMITTEE

A resolution creating the Town of Georgetown Charter Review Committee. It was suggested that the Town's Charter requires revision or updating and it was the decision of the Mayor that it would be appropriate for such an undertaking to occur. Resolution #2011-2 is presented for the purpose of creating the Charter Review Committee and charging it with the task of the contemplated review and recommendations to the Town Council for changes or revisions to the Charter.

Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to adopt Resolution #2011-2 Charter Review Committee. **APPROVED (unanimous).**

"Resolution 2011-2 is incorporated as part of the minutes."

B. CHARTER REVIEW COMMITTEE APPOINTMENTS

The Mayor's appointments are: Tony Semeraro, Linda Dennis, Eric Bodenweiser, Rick Huff, and Mike Wyatt.

Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to approve the Mayor's appointments. **APPROVED (unanimous).**

11. DISCUSSION – ORDINANCE #2011-4 GEORGETOWN LAWFULLY TITLED VEHICLE ENFORCEMENT ACT

It is the desire of the Mayor and Council of the Town of Georgetown to create a method to effectively enforce Delaware State Law regarding vehicle titling and registration, and to provide a method in which vehicles that are not required to be titled in Delaware, or the titled address to be in the Town of Georgetown to be identified as being exempt from the requirements.

Jim Fuqua: The problem with the ordinance is, there are vehicles that are licensed with a different state that are here for an extended period of time. Delaware law requires that new residents must re-title their vehicle within 60 days when they become a resident. This Ordinance would require obtaining a non-resident permit. Maryland law requires that most vehicles be titled and registered in Maryland if kept for more than 60 days, which is significant compared to Delaware law that states a non-resident owner is not required to register that vehicle in the State of Delaware. A suggestion that Gene and I have discussed is if a vehicle is identified that has been here more than 60 days that is not registered that a notice be placed on the vehicle informing the owner of the Delaware law. At least they are notified of the law. It appears we are casing too broad a net if not.

Mayor Pettyjohn: I recommend we contact our legislators to address these concerns.

Town Manager: Arizona, California, and Texas have similar problems; Chief Topping expressed concerns that perhaps the Town would be cited as targeting certain individuals.

Councilman Ricker: I agree with the Mayor in contacting our legislators (Senator Booth, Representative Briggs-King, Representative Wilson), essentially the State would prosper more by this than the Town would. They are the body that would benefit (registration fees and taxes) by these vehicles being registered in the State of Delaware.

Mayor Pettyjohn: The intent of this Ordinance was not to generate revenue but to have people (residents) follow the law that is out there already.

12. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Drinking Water State Revolving Fund Projects

The Town has received official notice that funding for the New Well and Treatment Plant and Service Line and Main Replacement, totaling \$3,795,000, have been granted 100% principal forgiveness and 0% interest through the Drinking Water State Revolving Fund (DWSRF). These projects were approved as part of our 2010 referendum.

American Lung Association Grant

The Town as received a \$2,500 tobacco prevention grant to offset the establishment of a “smoke and tobacco free” area within the Town. It was suggested that The Circle become our designated area - the funds will be used to offset the cost of signage.

2011 Municipal Election

REMINDER: Certificates of Candidacy are available. The seats for Ward 1 and Ward 2 are up for election. The filing deadline is April 22th at 5:00 pm. The Annual Municipal Election will be held on Saturday, May 14th (if needed). New voter and renewal (if needed) registration deadline is Friday, April 22nd at 4:30 pm.

Budget versus Actual (Feb 11) – Ten Months (83% of the Year)

<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>	<u>Note</u>
General Fund	\$2,550,960	\$2,808,848	(\$257,888)	110%	1
Water Fund	\$1,247,000	\$1,001,692	\$245,308	80%	
Sewer Fund	\$1,635,000	\$1,980,103	(\$345,103)	121%	2
Total	\$5,432,960	\$5,790,643	(\$357,683)	107%	

Expenditures

General Fund	\$3,233,843	\$2,700,354	\$533,489	84%	
Water Fund	\$784,587	\$639,594	\$144,993	82%	
Sewer Fund	\$1,414,530	\$1,602,195	(\$187,665)	113%	3
Total	\$5,432,960	\$4,942,144	\$490,816	91%	

1. General Fund Revenue – Real Estate Transfer Tax Revenue; Municipal Street Aid; Eddie Burn Grant

2. Sewer Revenue – Loan Proceeds (SRF Loan, SBE Loan & Impact Fees)
3. Sewer Expenditures – South Bedford Street Pump Station Upgrade

The monthly report has been distributed for your review.

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

- Real Estate Transfer Tax Revenue, **Up 2.34%**
 - ~~YTD FY 2008~~ \$439,274
 - YTD FY 2009 \$ 93,176
 - YTD FY 2010 \$114,474
 - YTD FY 2011 \$117,153
- Building Permit Revenue, **Down 15.62%**

Miscellaneous

- Loan Application – Drinking Water State Revolving Fund: The Mayor's signature is required on our application form.

Motion by Councilman Ricker, seconded by Councilman Koskey, to authorize the Mayor to sign the Loan Application. **APPROVED (unanimous).**

- Upcoming Events:
 - Delaware League of Local Governments – Thursday, March 24, 6:00 PM, Dover Sheraton
 - Sussex County Association of Town, Thursday, April 7, 6:00 PM, Bridgeville
 - SCAT Steering Committee, Friday, April 8, 9:00 AM, Lighthouse Landing
 - FY 2012 Budget Workshop – Monday, April 4, 4:30 PM

- Employee Service Anniversaries:

<u>Name</u>	<u>Department</u>	<u>Service</u>
Bean, Troy	Police	7
Marino, Kirk	Police	7
Eaton, Craig	Public Works	11
Fink, Olga	Finance	6
Dvornick, Gene	Administration	4

13. PUBLIC COMMENT

Correspondence was received Stumpf and Vickers, requesting the Town to investigate the possibly of perhaps eliminating 3 parking spaces between the Circle and North Front Street due to limited visibility when pulling out onto West Market Street. The Town will contact businesses along that area that could be potentially impacted by the eliminated parking.

Louann Ryder: I had the opportunity to ride with Officer Cooper last night to experience what Police Officers do on duty. I encourage other residents to take advantage of riding along with the officers to experience what the officers actually do while on duty. With that said I am asking Mayor and Council to consider not cutting any police officers as an option of the proposed budget.

14. EXECUTIVE SESSION

The Town Council met in Executive Session to discuss personnel issues 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 8:10p.m. **APPROVED (unanimous).**

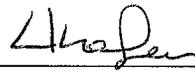
Executive Session exited at 8:40p.m.

Motion by Councilman Ricker, seconded by Councilman Koskey, to send the legal correspondence as discussed with the Town Solicitor during Executive Session. **APPROVED (unanimous).**

15. ADJOURNMENT

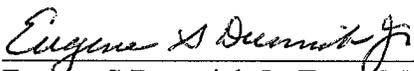
Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to adjourn at 8:41p.m. **APPROVED (unanimous).**

APPROVED:



Charlie Koskey, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager