

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, April 11, 2012
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
Bob Ricker, Ward Three
Annie Besche, Ward Four

STAFF PRESENT:

Eugene S Dvornick Jr, Town Manager
Angela Townsend, Town Clerk
Jim Fuqua, Town Solicitor

ABSENT:

Sue H Barlow, Ward Two

6:45 P.M. PUBLIC HEARING

Conditional Use Application – Case #2010-25 – Isaiah Thomas Baker – 1yr Review

A Conditional Use one year review for the approval granted by Town Council on April 13, 2011. The property is located at 300 Nancy Street, identified as Sussex County Tax District 135 Map 19.07 Parcel 17.00 and is currently zoned Urban Residential (UR1).

Mr Baker asked the Council to extend his Conditional Use application; Mr Baker stated he has not received any complaints with the use of his property.

Town Manager stated that no comments for the use or against the use have been received.

No one spoke in favor of or against the application. .

This portion of the Public Hearing was closed.

Conditional Use Application – Xergy, Inc – Case #2010-16 – 1yr Review

A Conditional Use one year review for the approval granted by Town Council on April 13, 2011. The property is located at 310 North Race Street, identified as Sussex County Tax District 135 Map 14.20 Parcels 110.00 zoned Urban Business (UB1).

The applicant was not present.

No comments for the use or against the use have been received.

No one spoke in favor of or against the application.

Councilman Ricker: Asked what authority the Council had in tabling the application or denying the use until we hear from Mr Bahar, apparently the property has been vacated and if it is for rent, does this null and void the Conditional Use? Does the Conditional Use go with the owner or the property?

Town Solicitor: The Conditional Use goes with the property. It's limited to that use and limited to those conditions that are attached to it. It's good for the use as long as there is no violation of conditions approved or violation of the approved use or abandonment. I think this could be tabled at this time, until the owner is contacted for the status of the property and the intention of the business.

Mayor Pettyjohn recommended during the regular meeting to table this item until Mr Bahar can be contacted with his intentions with the business.

Public Hearing Closed at 6:51pm.

Public Hearing was re-opened at 6:58pm due to Mr Bahar's arrival.

Mr Bahar presented the Town Council with an update on his business Xergy, Inc. The opportunity has become available to move the business to Seaford. If Xergy relocates to Seaford, the current building could possibly be used for another distribution company that I own. We are still currently occupying the building. But I am almost compelled to move. Mr Bahar thanked the Council for their help and support during the past two years.

Mayor Pettyjohn: Thanked Mr Bahar for his business and wished him every success with his relocation to Seaford. When were you thinking on leaving?

Mr Bahar: The business (Xergy) would like to leave Georgetown the end of this month (April), but relocate my distribution center to the current location.

Town Manger stated the property was zoned UB-1 and read from the Code the approved uses for the property. To formally use the current space a Change of Use application would need to be filed with the Planning Department.

Councilman Ricker: The Council could then sunset the Conditional Use until May 1, 2012.

Public Hearing Closed at 7:09 pm.

7:09 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 #13A EXECUTIVE SESSION was added.

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

4. APPROVAL OF MARCH 28, 2012 TOWN COUNCIL MINUTES

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

5. CONDITIONAL USE APPLICATION – CASE #2010-25 – ISIAIAH THOMAS BAKER – 1 YR REVIEW

An application by Isaiah Thomas Baker, for a conditional use 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).

Exhibit A – Proposed changes remove item #17 annual review.

Motion by Councilman Ricker, seconded by Councilman Hartstein, to approve Conditional Use Application – Case #2010-25 - Exhibit A – Final dated April 11, 2012 with conditions as amended. **APPROVED (unanimous).**
“Exhibit A is incorporated as part of the minutes.”

6. CONDITIONAL USE APPLICATION – CASE #2010-16 – XERGY, INC – 1 YR REVIEW

An application by Bamdad Bahar with Xergy Inc., for a conditional use (1) to engineer, design, research and develop “Kuel Cell” technology (2) small (light) manufacturing cells to repackage consumer products, “Kuel Cell” electronic assemblies and storage of equipment (3) to receive and ship out raw materials & products for the above purposes. Located at 310 North Race Street, identified as Sussex County Tax District 135 Map 14.20 Parcel 110.00 zoned Urban Business (UB1).

Motion by Councilman Ricker, seconded by Councilman Hartstein, to sunset Conditional Use Application – Case #2010-16 – until May 1, 2012.
APPROVED (unanimous).

8. BOARD OF ELECTIONS APPOINTMENTS

The annual Municipal election shall be conducted by a Board of Elections consisting of one (1) Inspector and two (2) Judges.

Jane Hovington, Joan Messick, Joy Sikora, Wendy Ward and Kim Barrett

Alternate: Maureen Dzur

The Board of Elections is appointed by the Mayor and the Town Council no later than the last regular meeting of the Council prior to the date of the Annual Municipal Election. The election is scheduled for May 12, 2012.

Motion by Councilman Ricker, seconded by Councilman Besche, to approve the submitted Board of Elections as presented. **APPROVED (unanimous).**

9. CODE ENFORCEMENT UPDATE

Paula Laymon, Code Enforcement Officer, presented Council with a power point presentation of an overview of changes due to code enforcement efforts.

Mayor Pettyjohn thanked Paula for all her hard work, and dedication, the Town is looking a lot better.

10. WEBSITE RE-DESIGN PROPOSALS

In February RFP’s were sent out to 8 companies, proposals were due March 2, 2012, the Town received 3 proposals, CivicPlus, Delaware.net, and Inclind. The companies were judged on the best out of 100 points. CivicPlus was the most detail oriented, and most expensive at \$21,471, experience included Vienna, VA, Maplewood Township, NJ, and Norwalk, CT. Delaware.net rated a good job on creativity, experience included Dover Rehoboth, Middletown, Delaware, CT, MA, and TX, 90 days to complete, \$14,000 upfront cost, they were the only company that contacted Edmund’s. Inclind, was very technical, no sample sites were provided, they are the existing provider, experience included US Travel, Dogfish Head Craft Brewery, and Lewes Historical Society, 8 weeks complete, \$12,000 to \$20,000, \$75.00 per month for hosting, they were established in 1999, they focus on building relationships and business ventures.

Town Manager's recommendation would be Delaware.net.

Councilman Ricker: How much did we budget for this?

Town Manager: We put in \$20,000 for this.

Motion by Councilman Ricker, seconded by Council Besche, to approve the recommendation of the Town Manager for Delaware.net. **APPROVED** (unanimous).

11. 1ST READING OF ORDINANCES

A. ORDINANCE #2012-6 APPENDIX A

Due to the reclassification of the Finance Clerk II and Planning Administrator from Non-Exempt to Exempt. Appendix A needs to be formally adopted. The adoption of the proposed Ordinance is a formal action necessary by the Council. No action at this time. 2nd reading and adoption if agreeable will be April 25th Town Council meeting.

12. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

2012 Municipal Election

REMINDER: Certificates of Candidacy are available. The seats for Ward 3, Ward 4 and Mayor are up for election. The filing deadline is April 20th at 5:00 pm. The Annual Municipal Election will be held on Saturday, May 12th (if needed). New voter registration deadline is Friday, April 27th 4:30 pm.

“Spring into Spring” Festival

The “Spring into Spring” Festival is scheduled for Saturday, April 21, 2012 from 12:00 (Noon) to 9:00 PM. So far we have secured five (5) bands; several food vendors; and planned various activities. Contributions to date: \$1,125 – with funding requests to several sources (M & T Bank, Sussex County Council, others). All are invited to join us for this outstanding event.

Transitional Housing Task Force

The meeting dates for the Transitional Housing Task Force have been set and provided to all appointees. The initial meeting is scheduled for Tuesday, April 17, at 10:00 AM. All meetings will be held at the Georgetown Public Library. Written minutes will be provided from each meeting.

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 167	Legality of Ordinance, Code, Regulation or Map Relating to Zoning	Oppose	In Committee
TBD	Reincorporation – New Charter	Support	
HB 261	Termination of Utility Sale or Service	Support	In Committee

No changes since last report

Greater Georgetown Chamber of Commerce Visitor Guide

The bi-annual Greater Georgetown Chamber of Commerce Visitor Guide is in the process of being prepared and the publisher (Morning Star Publications) is selling ads. In the past the Town of Georgetown has participated by purchasing a half-page ad (see handout):

<u>Year</u>	<u>Publication</u>	<u>Cost</u>
2008	2008/2010	\$630.00
2010	2010/2012	\$567.00
2012	2012/2014	\$567.00

Motion by Councilman Ricker, seconded by Councilman Hartstein, to authorize the purchase of ½ page ad in the Chamber Visitor's Guide at an amount of \$567.00. **APPROVED (unanimous)**.

Miscellaneous

- Water Leaks:
 - 2012
 - Number 7: 111 N. Race Street – replaced a service line
- Upcoming Events
 - Sussex County Association of Towns, Steering Committee, Friday, April 13, 9:00 AM – Lighthouse Landing
 - WW II U.S.S. Missouri Barrel Ceremony, Monday, April 16, 2:00 PM – The Circle
 - Arbor Day Celebration – Tuesday, April 17, 10:00 AM – Delaware Tech
 - “Spring into Spring” Festival, Saturday, April 21, 12:00 (Noon) to 9:00 PM – The Circle

B. KEITH HUDSON – SUPERINTENDENT OF WASTEWATER RECLAMATION FACILITY

Total Flows for March: 71.0366mgd 80 acre: 41.2324mgd Baxter's: 14.5902mgd and as of April 10th Baxter's had 18.8.345mgd

Lagoon Depth: Large 14' Small 8'

2012 Spray irrigations Annual Compliance Inspection with DNREC - Has not been scheduled due to compliance inspector out on leave.

January – March 1st Qtr 2012 – In compliance w/all monthly and quarterly reporting.

13. PUBLIC COMMENT

Tony Semeraro, 4 Cranberry Court: Over near the Post Office, De Coast Line Crossing, at the foot of Ingramtown Rd and South King Ave is deteriorating badly. Waste Management storage yard, they're storing rather large containers either on the right-of-way line or past it. It seems very close to the road. I believe the Town was working with them to install a fence or relocate the containers.

Mayor Pettyjohn: The Code Enforcement Officer has been working with them to correct the situation.

Linda Dennis, Ward 4: I want to again thank Paula for the visual presentation of what she has been doing really makes a statement. And two things, it's a fairly male dominated career path and she has accomplished so much in spite of that, and the other thing is, the things she started with the JP Court system, that there seems to be a process that could lead to more revenue for the Town and perhaps at some point this position would in fact pay for itself through the fine system for those people that continually ignore the generosity of the Town in terms of warnings and advance opportunities to correct their deficiencies. I know Paula has been stern but she is still heartfelt in times of hardship, but it seems there

seems to be potential for that position to bring in more money to the Town and fund itself, so that's also a bright side to all this.

Mayor Pettyjohn: I want to acknowledge the presence tonight of former Mayor Mike Wyatt.

Correspondence was received from Children & Families First thanking the Town for hosting Blue Bow 2012 to make the beginning of April as Child Abuse Prevention Month.

13A. EXECUTIVE SESSION

Town Council will meet in Executive Session for discussion involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation, land acquisition, and personnel issues.

Motion by Councilman Ricker, seconded by Councilman Besche, to adjourn to Executive Session at 7:49p.m.

Executive Session exited at 8:02p.m.

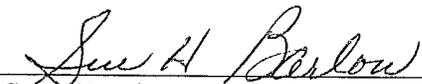
Motion by Councilman Ricker, seconded by Councilman Besche, to hire local counsel as discussed during Executive Session. **APPROVED (unanimous).**

Motion by Councilman Ricker, seconded by Councilman Hartstein, to authorize acceptance of settlement offer based on items presented during Executive Session. **APPROVED (unanimous).**

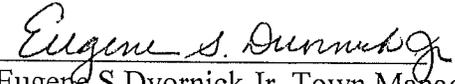
13. ADJOURNMENT

Motion by Councilman Ricker, seconded by Councilman Besche, to adjourn at 8:03p.m. **APPROVED (unanimous).**

APPROVED:


Sue H Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager