

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, December 12, 2012
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 6:45 P.M. Public Hearing
7:00 P.M. Regular Meeting

PRESENT:
Mike Wyatt, Mayor
Steve M Hartstein, Ward One
Linda Dennis, Ward Four

STAFF PRESENT:
Eugene S Dvornick Jr, Town Manager
Angela Townsend, Town Clerk
Stephani J Ballard, Town Solicitor

ABSENT:
Bill West, Ward Three
Sue H Barlow, Ward Two

6:45 P.M. PUBLIC HEARING

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2013 FUNDING REQUEST

Brad Whaley, Director of Community Development Housing discussed the use of the Community Development Block Grant (CDBG) program and the guidelines for the application process. CDBG funding is used for projects that would benefit low to moderate-income households and/or neighborhoods. The top priority for the funds is for housing rehabilitation for homeowner occupied projects. Demolition and code enforcement projects are also eligible items. There is a required match from the local municipality of 10% for projects less than \$100,000, 15% for projects \$100,000 to \$200,000 and 20% for projects over \$200,000.

Previous CDBG projects in Georgetown have included funding for Code Enforcement, Housing Rehabilitation, Drainage Improvements, Water and Sewer Connections, South Railroad, and Savannah Road Sidewalks. Qualifications: Low to Moderate Income based, owner occupied, resident of Georgetown, unable to make the improvements, taxes must be current with the Town and the County, property insured, property owner must sign a non-interest bearing lien (10 yrs 62 or younger and 5 yrs 62 or older), average lien is approx. \$15,000.

In 2012 the Town applied for housing rehabilitation for \$105,000 and an infrastructure project of \$139,790 for the Margaret Street project. The rehabilitation was not awarded but the infrastructure was. The Town was notified with approval to proceed.

Since the infrastructure project was a 3 phase project Mr Whaley asked if Council would consider making application for Margaret Street, Phase II. The Town Manager asked if Phase I had to be under construction before applying for Phase II. Mr Whaley informed the Council that it did not. Councilperson Dennis asked what Phase I and Phase II consisted of. Mr Whaley informed Council the plans showed asphalt and milling, grading, curbing, guttering, concrete sidewalks, handicap ramps for crosswalks, drive-way tie-ins, and storm drains. This is the first infrastructure project done in 5 years within the County with CDBG funds. The Town Manager stated that each Phase is essentially the same; you're just moving from block to block along Margaret Street. The success of awarding the Margaret Street Phase I project was the percentage of the match. With prioritizing the projects, the Margaret Street project essentially knockouts the other individual projects to be considered.

Mr Whaley requested Mayor Wyatt to open the floor for questions and comments.

There were no comments.

Public Hearing was closed at 6:56pm

7:00 P.M. REGULAR MEETING

1. PLEDGE OF ALLEGIANCE

Mayor Wyatt led the Pledge of Allegiance.

2. INVOCATION

Mayor Wyatt led the invocation.

3. ADOPTION OF AGENDA

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to adopt the agenda as presented. **APPROVED (unanimous).**

4. APPROVAL OF THE NOVEMBER 14, 2012 TOWN COUNCIL MINUTES

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

5. 2013 CDBG APPLICATION – SUSSEX COUNTY COMMUNITY DEVELOPMENT OFFICE

During the Public Hearing, proposals were discussed using CDBG funds. Mr Dvornick recommended the Town Council adopt a resolution authorizing Sussex County to apply for these funds on behalf of the Town of Georgetown.

A. RESOLUTION #2012-8 CDBG – FAIR FEDERAL HOUSING LAW

Motion by Councilperson Hartstein, seconded by Councilperson Dennis, to adopt Resolution #2012-8 Fair Federal Housing Law indicating that the Town of Georgetown acknowledges the importance of fair housing and supports the goals of the Fair Federal Housing Law. **APPROVED (unanimous).**

“Resolution #2012-8 is incorporated as part of the minutes.”

B. RESOLUTION #2012-9 CDBG – COMMUNITY DEVELOPMENT BLOCK GRANT

Motion by Councilperson Hartstein, seconded by Councilperson Dennis, to adopt Resolution #2012-9 authorizing Sussex County to apply for CDBG Funds on behalf of the Town of Georgetown. **APPROVED (unanimous).**

“Resolution #2012-9 is incorporated as part of the minutes.”

6. FY12 AUDIT RESULTS AND FINANCIAL STATEMENTS

Sheldon Forney, Auditor with Jefferson, Urian, Doane & Sterner, P.A. presented an overview of the FY12 Financial Statements.

Councilperson Dennis thanked Sheldon Forney for the review of the financial statements and asked the Town Manager about an approximate date for a response to the Management Letter. The Town Manager stated before the end of the week a response will be sent to the auditor explaining what the Town has done or plans to do to address their comments.

Mayor Wyatt asked about lease agreements for the various parks. The Town Manager informed Council there were essentially no lease agreements for any of the parks.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to accept the FY12 Financial Statements as prepared by Jefferson, Urian, Doane & Sterner. **APPROVED (unanimous).**

7. VILLAGE OF CINDERBERRY – DEDICATION OF STREETS

Town Council was presented with a deed from County Bank to the Town of Georgetown for the dedication of the streets for the Village of Cinderberry. The document has been reviewed by the Town Solicitor.

Also, presented was Resolution #2012-12, accepting the streets dedicated to public use, and authorizing and directing the incorporation of the same in the Official Town Map.

Motion by Councilperson Hartstein, seconded by Councilperson Dennis, to approve the Deed and adopt Resolution #2012-12 Dedication of Streets, Village of Cinderberry. **APPROVED (unanimous).**

“Resolution #2012-12 is incorporated as part of the minutes.”

Councilperson Dennis asked that the record reflect that while she is a resident of the Village of Cinderberry it is not a conflict for her to vote on this Resolution. It does not involve any material consideration that would call this decision into question.

8. PRIMEROS PASOS, INC – REQUEST FOR APPROVAL OF A 120 DAY EXTENSION

Primeros Pasos, Inc is asking for an extension for a temporary approval that was granted by Town Council on July 25, 2012. Freddy Bada presented Council with an overview of the project.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to approve the requested 120 day extension. **APPROVED (unanimous).**

9. INTRODUCTION OF ZONING AMENDMENT – CASE #2012-24 – RICHARD GREENBERG

A zoning application by Cotten Engineering representing Richard Greenberg, from UB1 (Urban Business) to HC (Highway Commercial) zoning district for the property identified as Sussex County Tax Map 135-14.19-62.00. The property is located at 39 Bramhall Street.

Michael Cotten, PE, Cotten Engineering, the applicant is proposing to rezone and then sub-divide the parcel due to selling the rear portion.

Councilperson Dennis asked about the change of zoning request being appropriate from UB1 to Highway Commercial. The Town Manager stated that the request is consistent with the Comprehensive Plan and the zoning of the adjoining property. Mayor Wyatt questioned restrictions and stated that with the change of zoning and with residential zoning already in that area it will be really restrictive with what can be there. The Town Manager explained that this is not a site plan being presented for the use of the property, but simply a rezoning and then a subdivision by the extinguishment of one lot line and the addition of another.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to forward the application to the Planning Commission for review and comment at their January 16, 2013 meeting with the scheduling a public hearing at a later date. **APPROVED (unanimous).**

9A. SUSSEX ENTERTAINMENT ENTERPRISES, LLC – PUBLIC WORKS AGREEMENT

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

Late this afternoon a conference call took place to discuss final changes to the Public Works Agreement. The Town Solicitor, Town Manager, Dean Pletz, The Onix Group, and John H Newcomer, Jr Attorney for The Onix Group discussed and agreed to the following changes: (1.2) Currently reads Sussex Entertainment Enterprises LLC modified to and/or College Park Medical Pavilion LLC (1.3) Narrows down to be more specific to the construction of Biden Avenue and related improvements more fully described in Article 15 (4.4) Added the word guaranty. With respect to some items that dealt with the Town's Design and Construction Standards. They wanted to have included language that construction shall be accordance with the Town's Design and Construction Standards in effect at the point in time the agreement was signed. They have a July 2013 occupancy with a tenant of the first floor being Beebe Medical Center (15.3) Originally the Town did not want the top coat of asphalt installed on Biden Avenue, and after discussion today, we will allow the top coat to be installed and should any work be required to take place beyond this point a separate construction entrance would have to be put in place further down RT 18/404.

Councilperson Dennis asked about the terms of a bond for securing performance.

Town Manager: A bond or a letter of credit from a bank is required so the Town has the ability to draw on the bond should the developer not do the work that is specified.

Councilperson Dennis: How does the Town guarantees the term of the bond so if there is an expiration date that we keep on top of it so that it is renewed and it doesn't lapse in the bonding protection to the Town. Town Manager: 2 months prior to the bond expiration the Town will notify the applicant that they need to provide an updated bond or letter of credit.

Councilperson Dennis: Is it possible to guarantee the term of bond consistent with the term of the project? Town Manager: I think in this case since it's not a long term project that the length of the letter of credit will exceed the length of construction for the project. Councilperson Dennis stated her concerns were for the protection of the Town.

Motion by Councilperson Hartstein, seconded by Councilperson Dennis, to approve the Sussex Entertainment Enterprises LLC and College Park Medical Pavilion LLC Public Works Agreement. **APPROVED (unanimous).**

"The Agreement is incorporated as part of the minutes."

10. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Margaret Street Funding

On December 3, 2012 the Town received notification from Sussex County Community Development & Housing that clearance to proceed with the Multi-Year North Margaret Street Infrastructure Project – total funding is \$139,790. The Town has been trying to receive funding for this project for many years and are grateful to Sussex County and the DSHA for their efforts on our behalf in securing this vital funding.

Investment Policy Modification

The Finance Department and Town Manger have been working with M&T Bank to ensure proper collateralization of our deposit funds in excess of the Federal Deposit Insurance Corporation (FDIC) insurance levels. As part of our review of alternatives, the Town has identified Federal Home Loan Bank (FHLB) Letters of Credit as additional collateral instruments. These are currently in use by other local governments and are acceptable under the State of Delaware Investment Guidelines.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to authorize amending the Town of Georgetown Investment Policy to include Federal Home Loan Bank Letters of Credit as Authorized Investments. **APPROVED (unanimous).**

Monthly Financial Report

The monthly Budget versus Actual Report (November 2012) has been distributed and is posted on the Town website.

15 Minute Parking Space Request

The Town has received a request from The Upper Crust (7 East Market Street) for the metered parking space in front of their business to be restricted to 15 minutes to allow for takeout service (see handout). This is consistent with similar limited time parking spaces found in other municipal commercial districts.

Council felt the approval would be setting precedence for other businesses if meters were to be installed along East Market Street. Other businesses (the Deli, and Georgetown Family Restaurant) do not have designated parking. After discussion Council felt that one parking space would not address the complaints the Upper Crust is dealing with. The location appeals more to walk-ins than customers driving and parking to pick up an order. The Town Solicitor added that the spot could not be guaranteed for his customers, anyone could park there. It would be in front of that business but anybody could use it. Council also added that spaces along there are generally available, with 30 minute maximum parking, which gives sufficient time to run around and do errands. Given the fact that this isn't going to be a designated space for this particular business, it is not going to help.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to deny the 15 minute parking request. **APPROVED (unanimous).**

Christmas Eve and New Year's Eve

As both Christmas Eve and New Year's Eve fall on a Monday this year and are immediately followed by a recognized Town Holiday, the Town Manager recommended the Town follow what other municipalities and the County are doing in keeping their offices closed. Essential personnel, as always, will remain on call and outside of normal office transactions, business disruption should be minimal.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to accept the recommendation to close the offices a full day on December 24 and December 31, 2012 **APPROVED (unanimous).**

Miscellaneous

Upcoming Events:

- Sussex County Association of Towns, Dinner Meeting, Wednesday, January 9, 6:00 PM, Baywoods at Long Neck, hosted by Sussex County
- SCAT Steering, Friday, January 11, 9:00 AM – Lighthouse Landing
- Delaware Blueprint Communities Symposium, Saturday, January 12, 2013, 9:30 AM – 2:30 PM, University of Delaware (Newark)
- Water Leaks
 - Number 27: Zoar Road – Repaired loose saddle bolts
 - Number 28: South Race Street – Installed a bandage repair
 - Number 29: East North Street – Abandoned service line at main
- Reminder: Town Offices will perhaps be closed on the following dates:

- Monday, December 24, 2012, ½ day in observance of Christmas Eve
- Tuesday, December 25, 2012, in observance of Christmas Day
- Tuesday, January 1, 2013, in observance of New Year's Day

11. HOLIDAY INCENTIVES

A. PARKING METER WAIVER

The parking waiver if granted will be from Monday, December 17, 2012 thru Monday, December 31, 2012. The waiver originated years ago for downtown merchants and convenience of shoppers during the Christmas season. Parking waiver was denied by Council in 2011 due to the reasoning that the ones benefiting from the waiver were County and State employees.

Motion by Councilperson Hartstein, seconded by Councilperson Dennis, to grant the parking waiver from Monday, December 17, 2012 thru Monday, December 31, 2012. **APPROVED (unanimous).**

B. RESOLUTION #2012-10 2013 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 Councilperson Dennis, seconded by Councilperson Hartstein, to adopt Resolution #2012-10 2013 Holiday Schedule. **APPROVED (unanimous).**
"Resolution 2012-10 is incorporated as part of the minutes."

C. RESOLUTION #2012-11 2013 MEETING SCHEDULE

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

Motion by Councilperson Hartstein, seconded by Councilperson Dennis, to adopt Resolution #2012-11 2013 Council Meeting Schedule. **APPROVED (unanimous).**
"Resolution #2012-11 is incorporated as part of the minutes."

12. PUBLIC COMMENT

John Hickey, President of HOA and POA of the Village of Cinderberry thanked Council for acceptance of the streets, working through the property agreement, and the provision of street signs for our organization. There has been a lot of cooperation between the Village of Cinderberry, the Town of Georgetown and the Council, and I just wanted to let you know we appreciate it.

Tom Marvel, lived at 403 North Bedford Street up until two weeks ago. Mr Marvel voiced concerns with over 25 cars parked on both sides of the road all day every day near the Harrison House. The situation is not very safe. Also, I want to rent my house at 403 North Bedford Street; I came in and had to pay \$175 for an inspection on the property. I had to pay a rental license fee for \$65.00 fee that covers from next Wednesday, Dec 19th to December 31st. Then pay another \$65.00 fee on January 1st. I suggest that perhaps Council could look at prorating that fee. Maybe September or October could be a reduced rate. The Town Manager informed Mr Marvel that the Town has been working with the Harrison House on the parking issue. Hopefully, the Harrison House will find a solution to the parking problem. They are looking at adjacent property for additional parking. The Mayor agreed with Mr Marvel on the rental fee charge, that is should be looked at.

Town Clerk, Angela Townsend, thank Mayor and Council for all their help with the clean-up after the Town's Christmas Party.

Correspondence was received from the Rosalie Walls, Return Day Committee, dated November 29, 2012 as a letter of commendation extended to Sgt John T Tyndall for his exemplary conduct during the planning stages and during the actual Return Day event.

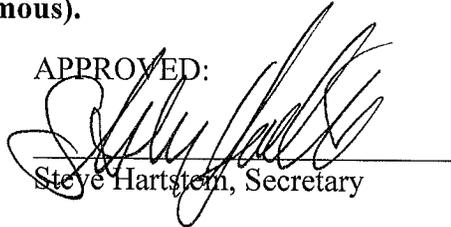
Clayton Townsend, 20293 Ennis Rd, voiced concerns with scheduling Santa on the night of the parade. Mr Townsend only had 10-12 visits, with 3 being teenagers. With the parade ending late and with the cold weather parents left right after the parade ended. The Town should consider having hours for Santa before the parade, perhaps from 5pm to 7pm. Those hours would give benefit the children and parents more.

Councilperson Dennis, thanked the volunteers from Village of Cinderberry for their hard work and efforts with the Santa House, decorating Town Hall, and with the plantings on the Circle for the holidays.

13. ADJOURNMENT

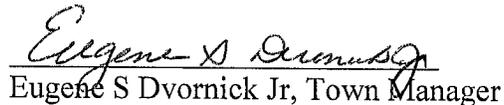
Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to adjourn at 8:07p.m. **APPROVED (unanimous).**

APPROVED:



Steve Hartstein, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager

