

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, February 22, 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  
Sue H Barlow, Ward Two  
Bob Ricker, Ward Three  
Annie Besche, Ward Four

**STAFF PRESENT:**

Eugene S Dvornick Jr, Town Manager  
Angela Townsend, Town Clerk

**6:45 P.M. PUBLIC HEARING**

**CASE # 2010-22**

**CONDITIONAL USE APPLICATION**

An application by Bernard Michel for a conditional use to remodel an existing two-family dwelling into a multi-family dwelling located at 405 North Race Street, the property is identified as Sussex County Tax District 135 Map 14.20 Parcel 3.00 and is currently zoned Neighborhood Business (UB2). On July 24, 2007 the Town approved a Category II Site Plan review for an addition to the existing single family unit to allow two (2) units. The Town requested that the third unit be blocked off until a conditional use was addressed. The Town Planning Department contacted the Fire Marshal's Office for verification and that this building does not require Fire Marshal review and approval.

Bernard Michel presented Council with an overview of the project. Currently the applicant has two units and one of them has six bedrooms. The applicant is having a difficult time renting a 6 bedroom unit.

Mayor Pettyjohn inquired about the violation letter that was sent and if the applicant had the Fire Marshal's approval.

Bernard Michel: The violation was for the addition that was built with two (2) units totaling three (3) residential units. Mr Michel was not aware if the State Fire Marshal's Office had given approval or not.

Town Manager was not certain if verification was received.

Councilman Ricker: By doing what you're doing you are turning it (the dwelling) into a multi-family unit and I think the State Fire Marshal's Office would have jurisdiction over it. Once again instead of using a zoning change we are using a Conditional Use for something that Conditional Uses aren't necessarily meant to be used for.

**In Favor:** No one spoke.

**In Opposition:** No one spoke.

The applicant asked the Council to consider this application since the property would be so much easier to rent.

Mayor Pettyjohn recommended placing this item on the regular agenda March 14, 2012 Council Meeting (leaving 14 days for written comments).

#### **ORDINANCE #2012-4 MORATORIUM ON TRANSITIONAL HOUSING**

This Ordinance establishes an 8 month Moratorium on Transitional Homes. It creates a Task Force to study the issue and make recommendations. Councilman Ricker asked that the Town consider an 8 month Moratorium on Transitional Housing. 1<sup>st</sup> Reading: March 14, 2012, refer to Planning Commission for Recommendation: March 21, 2012, 2nd Reading: March 28, 2012, Adoption: March 28, 2012.

#### **In Favor:**

Jim Martin, TAP FAITH, asked if the Council had the legal authority to place a Moratorium on Transitional Housing. I really have a passion for people with needs for more affordable housing. Half-Way Houses are highly regulated. The Corinthian and Tau House are half-way houses; three-quarter houses are self supporting by the residents working toward recovery. I would like to be part of the Task Force. We need more affordable housing.

#### **“Mr Martin’s letter is incorporated as part of the minutes.”**

Ray Hopkins, 401 W Market St: I am asking for Council to go ahead with the Moratorium, only to understand what we are getting into. To understand what’s here and what we can afford economically in terms of new businesses coming to Town, trying to establish roots with a tax base to support these businesses. I want services to help build this Town and businesses that will be here long lasting. I support it in terms as an impartial person that is in the middle of the road trying to understand both sides and being able to move forward beyond the 8 months.

Tony Semeraro, 4 Cranberry Court: I would like to talk support of the Moratorium. This is a common sense approach to the situation we are in. It has been entered into the record there are more than 25 of these types of facilities in a town that is barely 5 to 6,000 people. The ratio is quite high per capita. I dare say probably more so than any other Town with the exception of perhaps Wilmington. With that I believe it makes sense to strike a balance between what we provide in social services and what is good for the residents and businesses of Georgetown. When businesses grow they create opportunities, when they create an opportunity that means jobs, and jobs are what people in transitional housing need. I would like to make a distinction because in the public debate there seems to be a blurring with a couple of issues. One is the issue of halfway, transitional, and substance abuse housing and facilities which is one issue the moratorium will study, the other one is affordable housing, which may or may not intersect with the issue relating to halfway, transitional, or substance abuse housing. What I mean is with the comprehensive plan you can develop housing in Kimmeytown that can be affordable. There are guidelines in the comprehensive plan on how that housing can be developed. That doesn’t necessarily hold true for some of the projects that are being discussed currently and that’s why we need to study that and the impact on them. I would also like to enter into the record that the comprehensive plan, as you know I have spoken a few times before Council and have referred to it, but in Del. Code Title 22 Section 702(d) it states, **“After a comprehensive plan or portion thereof has been adopted by the municipality in accordance to this chapter, the comprehensive plan shall have the force of law and no development shall be permitted except as consistent with the plan.”** When it comes to affordable housing I think there is a balance here that can be struck. When it comes to the other types of housing I think more study is needed before the Town proceeds with projects that are on its agenda.

Jim Sabo, 218 S Race Street: I would like to offer my support of the Moratorium to give the Town a chance to wrap its arms around the whole situation, as far as the amount of these houses we have in Town that are promoting this, and also find out where these people are coming, what Towns they're from, what states they're from, and whether or not they have committed crimes. That would be a considering factor for any of these people who are in fact residents of this Town who do pay taxes and are being affected by these people in some way or another, whether its watching them across the street dealing drugs, which I've witnessed before or whether it's being in our own homes having to listen to the profanity being used by these people. I have nothing against anyone getting better and helping themselves, but the Town owes its residents the security they deserve to maintain some peace in this Town. The expense being incurred by the emergency services is astounding, and I think that is something that should be taken into consideration also.

Linda Dennis, Ward 4: I believe I have mentioned the need for this some time ago, so obviously I am in support of the Moratorium, it does provide us with an opportunity to have a reasoned debate about the issue, and I also believe there is a clear distinction between affordable and special needs housing. One of the things the task force should look at is most of these programs are funded by either Federal or State money and it means there are program guidelines and admissions criteria and so forth and I think the residents of the Town and the governing body need some assurance that those funding agencies are in fact doing their jobs. With regards to how these programs are operating and if they are operating within the guidelines of their funding restrictions. Another thing I would like to see studied and it is done elsewhere, is a prior notification process, where by any non-profit organization or religious organization who wishes to operate such a facility would have to go through a process of prior notification not only to the Town but to the neighborhood in which it plans to locate. And that gives people the opportunity to have a discussion with that applicant prior to it's becoming an operation within the community. So this gives us an opportunity to look at things, it's not about re-inventing the wheel, this is an issue facing many communities across the country, there is documentation ad nauseam on the citing of these kinds of programs. And what we need to do is look at it and decide what we can pick and choose from that meets the needs of our community and that can be done. So I thank you for giving the time and the thought that is really needed in order for us to be good neighbors, to accept those programs that we feel we can embrace in this community and to also draw the line in those that we do not want located here.

**In Opposition:**

Gina Miserendino, Facilitator of the Sussex Housing Group: We work on fair and affordable housing issues here in Sussex County. We urge you to vote against the moratorium. We believe a reasonably fast pace approach to this issue is called for. We know there is a need here for emergency shelter and transitional housing, and we (the Sussex Housing Group) would be pleased to be part of the group assessing affordable housing issues in the community and to report back to the Council by June. We believe that open dialogue is absolutely essential to bring resolution to an issue as complex and controversial as affordable housing. I have made available to you and your staff a copy of the Delaware Housing Coalition "Who can afford to live in Delaware 2011". There is a lot of information in this publication so feel free to contact us if you have any questions. I have also given you a pamphlet called "Housing in a Hurry", A Guide to Finding Room in Delaware, in which housing is listed by County. We feel there are areas that need clarification, which has come up with the previous presenters this evening. Several phases such as transitional housing has

been used in different ways, I noticed it in the paper that it's referred to as emergency hotels/shelter provisions, compared to what we understand more as a well designed case management approach where people have responsibilities and are closely monitored. I believe that if we can come to an agreement as to what some of these terms actually mean it would be helpful for all parties. Another point is that the application that was recently denied for Crisis House, Sussex County is really being singled out for all the ills in their neighborhood, there is an absentee landlord situation, that maybe some of the other places are not as well run as Crisis House is. All these different discreet parts of this situation can be examined and I think you'll find that Crisis House and Northport are doing very well. We do want to support the Sussex Community Crisis House which is a good standing member of the Sussex Housing Group, and they were here well before the Sussex Housing Group was even formed. I think they are actually a model program that can be looked at by other groups to follow their lead.

Mayor Pettyjohn: I appreciate your comments, I do have a question, you are speaking in opposition to the moratorium so we can study? The purpose of moratorium is so we can study and get an idea of what we have and to get these definitions in place.

Gina Miserendino, Facilitator of the Sussex Housing Group: We don't think you need 8 months to do that, (*remaining comment not audible*).

Carol Reid Hall: President of the Board of Directors, Sussex Community Crisis Housing Society: We are opposed to the moratorium; we think you can do a study without stopping. We are very disappointed with the recent decision; we feel it was based on erroneous information. We would like to offer our support and experience in helping with any study that we did.

Eleanor M Kiesel, Esq, Community Legal Aid Society, and a Board member for the Crisis House: We are very disappointed about the decision; it was based on erroneous information particularly about criminal conduct with residents within the shelter and what happens outside of that shelter with future arrests of people who have been in the shelter. That is very concerning to us. Crisis House is the only transitional housing in Sussex County for families. We are very suspect in terms of the 24 -25 transitional houses in Sussex County and where they are. They are a lot of treatment facilities for mental health needs, cognitive disabilities, as well as sober homes to help people get on their feet, move out and get jobs. In terms of economic climate in the nation as well as in Delaware and in Sussex County, families are being foreclosed on regularly from their homes. If they don't have family to go to there is no other shelter in Sussex County that a family can go to for temporary stay. I believe that what I read in the newspaper for reasons of denial is just inaccurate. There has been talk about a large expansion of programs with Crisis house and transitional housing, and that's just not true. I think we need to as a community and the people that support Crisis House will be doing more to publish the true facts around that and I hope you will consider that and will allow us to be part of the study. In terms of what really is happening in Sussex County with transitional housing, and what you're defining transitional housing as, what HUD defines transitional housing as. So again I would welcome the opportunity to be part of that.

Public Hearings Closed at 7:20p.m.

**7:20 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 amended. **APPROVED (unanimous).**

**4. APPROVAL OF FEBRUARY 8, 2012 TOWN COUNCIL MINUTES**

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

**5. RESOLUTION #2012-3 DWSRF LOAN TERMS RESOLUTION**

The proposed Resolution is for South Railroad Avenue Well and Treatment Facility (SCI Well Replacement), with a total loan amount of \$1,595,590.00 through the Delaware Drinking Water State Revolving Fund (DWSRF) with a zero (0%) percent interest rate and 100% principal forgiveness.

Motion by Councilman Ricker, seconded by Councilman Besche, to adopt Resolution #2012-3 DWSRF Loan Terms Resolution. **APPROVED (unanimous).**

**“Resolution #2012-3 is incorporated as part of the minutes.”**

**6. ANNUAL PRESENTATION OF FUNDING**

**A. GEORGETOWN AMBULANCE SERVICE – STATION 93**

Elaine Reynolds from the American Legion Ambulance Service-Station 93 was in attendance for the presentation of the check in the amount of \$5,000.00.

**B. GEORGETOWN VOLUNTEER FIRE DEPARTMENT – STATION 77**

Gene Stevenson from the Georgetown Volunteer Fire Department was in attendance for the presentation of the check in the amount of \$5,000.00.

**7. 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 20<sup>th</sup> at 5:00 pm. The Annual Municipal Election will be held on Saturday, May 12<sup>th</sup> (if needed). New voter registration deadline is Friday, April 27<sup>th</sup> 4:30 pm.

**Memorial – Chief Harvey Gregg**

The Town continues efforts to complete the permanent memorial for Chief Gregg. The monument design has been completed - efforts to finalize the wording on the monument are in process. We are still trying for an April 2012 dedication.

**South Railroad Avenue Well & Treatment Facility**

The Town has received a proposal from Davis, Bowen & Friedel in the amount of \$282,000 for Engineering Services (engineering, survey & wetlands, design & permitting, bid, construction administration, and inspection services) for the South Railroad Avenue Well and Treatment Facility. This is included in the funds we have been awarded through the Drinking Water State Revolving Fund (DWSRF).

Motion by Councilman Ricker, seconded by Councilman Barlow, to authorize the Town Manager to sign the proposal for engineering services for the South Railroad Avenue Well & Treatment Facility. **APPROVED (unanimous).**

**King Street Water Treatment Facility Upgrades**

The Town has completed and submitted its application to the Drinking Water State Revolving Fund (DWSRF) for the King Street Water Treatment Facility totaling \$3,300,000 – this project is to ensure compliance with changes in drinking water standards. It is anticipated this will be a zero percent interest rate, 100% principal forgiveness loan.

**Service Line Replacement Project**

The Town and our engineer have been working on the finalization of the Notice of Bid and Bidder Responsibility Questionnaire. It is anticipated the Notice will be advertised within the next 7 to 14 days.

**New Signal – Route 113 and Arrow Safety Road**

The Town has received notice that the new traffic signal at Route 113 and Arrow Safety Road will be activated at 9 a.m. on Monday, February 27. The signal will be in a flash operation for a period of 72 hours to alert motorists that a new signal is in place. The conversion to full stop and go operation will take place on Thursday, March 1.

**Parking Request – Canvas, Amigos and More**

The Town has received a request for permission to utilize space for five (5) parking spaces on lands leased from Norfolk Southern (between Thoro-Kleen and the DART Transit Hub) for use by Canvas, Amigos and More, a new business locating at 106 East Laurel (corner with North Railroad).

Councilman Ricker: We currently lease that land from Norfolk-Southern?

Town Manager: Yes we do. The Calhoun store was brought before us in October 2008 and the requirements that the Council placed on the HGA who were the owners of the Calhoun Store were: The parking space design had to be in compliance with requirements of § 230-151 *Parking Area Standards*; they had to install concrete parking bumpers to identify each parking space; installation of appropriate signage indicating the space is reserved for use by tenants/visitors to the Calhoun Store; submit an “as built” site/location plan for inclusion in the permanent property file; and coordinate of the exact location of the parking spaces with the Public Works Director for the Town of Georgetown.

The Calhoun Store got 10 spaces.

Councilman Ricker: What do we pay Norfolk-Southern?

Town Manager: I will have to get back with you on that, we do not charge the Calhoun Store, Delaware Transit, or anyone that uses it. My recommendation would be to impose the same requirements as before.

Councilman Ricker; Can you guess at the amount we pay?

Town Manager: I would guess \$167 but it has an escalator each year, it’s a long term lease. The area of land runs from Depot Street down to Pine Street.

Councilman Barlow: If we agree to this request, I would like it stipulated that they be responsible for having the trash picked up, that is one problem in that area. Stores tend to produce a lot of trash.

Councilman Ricker: What is the length of the agreement with the Calhoun Store and DelDOT?

Town Manager: Well with DelDOT it's a 5 year agreement, I think it will become a long term one, with the Calhoun Store they will never be able meet the requirements of our off-street parking and that is what's driving these issues. This is a new business, and depending on the use they require X number of parking spaces. They are getting 6 from Briggs, but still fall short of what our Code requires.

Councilman Ricker: My issue is with other businesses that we place stipulations upon, who have to acquire more land for parking that they purchase themselves. We are using taxpayers' dollars to lease this land and we are allowing these folks property for their business parking.

Mayor Pettyjohn: So we are paying \$600.00 a year for that entire stretch.

Town Manager: If we do something to them (Canvas, Amigos and More) we need to do something to the Calhoun Store as well.

Mayor Pettyjohn: What is the time table for opening their business?

Town Manager: That is the holdup for getting their business license.

Mayor Pettyjohn: I agree with your concerns of using taxpayers funds, for these kinds of purposes, this is land we've already had, and it's been sitting there been doing nothing, if we can make some use of it I really don't have a problem in granting the parking spaces. It's for a public use.

Town Manager: With the agreement with the Calhoun Store they were put on notice that the land was leased to the Town and may be subject to restrictions in the future, so there is an avenue that in the future we could do something based on square footage.

Motion by Councilman Barlow, seconded by Councilman Hartstein, to grant five (5) parking spaces for Canvas, Amigos and More with the same stipulations that the Calhoun Store has and having to keep up with the trash.

**APPROVED 4-1 Yea: Hartstein, Barlow, Besche, Pettyjohn Nay: Ricker**

### **Miscellaneous**

- Water Leaks:
  - 2012
    - No new ones to report
- Upcoming Events
  - Delaware League of Local Governments, Thursday, February 23, 6:00 PM – Dover Sheraton
  - Sussex County Association of Towns, Wednesday, March 7, 6:00 PM – Bear Trap Dunes
  - SCAT Legislative Breakfast, March 9, 9:00 AM – Georgetown CHEER
- Employee Service Recognition
  - Paula Layman                      Code Enforcement      2 Years

## **8. PUBLIC COMMENT**

Ray Hopkins: You are using my tax money to support a business, where I have to provide parking in my business. I had to pay money to have my parking lot paved and striped in order to do that. I didn't get any help. It's an issue, it is setting a precedent.

How do you determine to help this business and not this business? Explain that to me, what is the criteria that you help one business and not another.

Mayor Pettyjohn: That is the reason we are doing a study on parking right now in the Town of Georgetown.

Ray Hopkins: But you went ahead and did this before the study was done, it doesn't seem fair to a taxpayer and a business license of what you just did. My tax money is supporting that and it doesn't seem fair. You have done something before this parking study is completed and I don't understand why it wasn't tabled until this is finished. Again I am talking completely out of ignorance, but I came to this hearing and I heard this and this is my opinion, I really don't understand the whole concept. And my reaction is this doesn't seem fair to me. So be it.

Town Manager: The Town received correspondence from the Delaware State Housing Authority (DSHA), notifying us to a follow-up letter dated 2011 regarding an application from Dunbarton Estates Management LLC requesting financing and housing credits for the acquisition and rehabilitation of Dunbarton Oaks III Apartments located at 301 Dunbarton Apartments. The DSHA would like to inform you that the DSHA Council on Housing recommended and the Director of Housing did approve this funding request on February 8, 2012 and the complex has received an allocation of housing credits.

**9. EXECUTIVE SESSION**

The Town Council will meet in Executive Session for the discussion of a personnel matter.

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn to Executive Session at 7:39 p.m.


Executive Session exited at 8:15p.m.

Motion by Councilman Ricker, seconded by Councilman Besche, to hire two (2) Police Officers, with one being funded by the COPS grant.

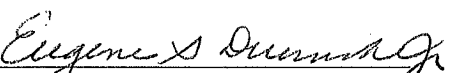
**10. ADJOURNMENT**

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 8:17p.m. **APPROVED (unanimous).**

APPROVED:

  
Sue H Barlow, Secretary

ATTEST:

  
Eugene S Dvornick Jr, Town Manager