

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, July 11, 2012
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

PRESENT:

Mike Wyatt, Mayor
Sue H Barlow, Ward Two
Bill West, Ward Three
Linda Dennis, Ward Four

STAFF PRESENT:

Eugene S Dvornick Jr, Town Manager
Angela Townsend, Town Clerk
Stephani J Ballard, Town Solicitor
Eric Rust, Wastewater Reclamation Facility

ABSENT:

Steve M Hartstein, Ward One

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

DELETE ITEM #6B ORDINANCE #2012-9 BUSINESS LICENSE LLC

Motion by Councilperson Dennis, seconded by Councilperson Barlow, to adopt the agenda as amended by deleting Item#6B Ordinance #2012-9 Business License LLC. **APPROVED (unanimous).**

4. APPROVAL OF THE JUNE 27 2012 TOWN COUNCIL MINUTES

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

5. CASE #2010-04 AMENDMENT – KGB PROPERTIES/16 MILE BREWING CO.

An application by Brett McCrea with 16 Mile Brewing Co., on behalf of KGB Properties, for an amendment to the conditional use approval granted by Town Council on August 24, 2011. The property is located at 413 South Bedford Street, identified as Sussex County Tax District 135 Map 20.00 Parcels 50.00 zoned Neighborhood Business (UB2).

The Town Solicitor recommend at the last Council meeting that the Council attains a copy of the final version of Exhibit A – Amendment for this meeting to confirm all of the items listed.

Town Solicitor: This is just to verify that the final as approved Conditional Use Exhibit A - Amendment reflects the changes that were voted on at the last meeting.

Councilperson Dennis: Point of clarification, what about the items that were not discussed at the last meeting, and remain questioned specifically Item #12 and the landscaping issue, Item #14.

Mayor Wyatt: Are you getting monthly reports now?

Town Manager: No.

Councilperson Dennis: No.

Town Solicitor: Compliance of the Conditional use is a separate matter from the amendment of the original condition use. If you wish to bring up the issue of lack of compliance then that should be noticed separately and discussed at a future meeting.

Councilperson Dennis: I wish to do so, specifically Item #12 and #14

Mayor Wyatt: I think as it stands right now, what we are voting on is just Exhibit A – Amendment. We need to vote on it first. I have a couple of questions after we vote on that, is that reasonable?

Town solicitor: Council should review the document (Exhibit A) to make sure it reflects what was approved or not approved and then vote on the amendment. And then if there is future discussion, you can have the discussion but you cannot do any action on it until future notice is given.

Mayor Wyatt: Brett, is there a problem with the numbers for the monthly reporting? Is there a problem getting that information?

Brett McCrea: No sir, I believe I forwarded that information.

Mayor Wyatt: You did forward it?

Brett McCrea: Yes sir, to you specifically, on Friday, July 6th. I provided that information (monthly totals) to you after we had our conversation.

Mayor Wyatt: Did you also email those numbers to the Town?

Brett McCrea: No sir, you had asked me about that (monthly totals) and I wanted to answer your question specifically.

Town Solicitor: As a point of order you should be forwarding that information to the Town Manager, you can also copy the Mayor, but send to the Town Manager.

Mayor Wyatt: The landscaping is not due to be completed until tomorrow, July 12th; I think we're pushing it a little bit on that. I have a recommendation on that if Council is willing to listen to it. With the weather, temperatures being what they are, you plant bushes and they die. My recommendation would be to extend the deadline of July 12th to September 15th. Plants would have a better survival rate if planted after September. This is just a thought thrown out there; I don't know how the applicant feels about that or how the Town Council feels about that.

Brett McCrea: If that is the point of order issue we have no problem with it, but we believe we complied with it, there seems to be a difference of opinion.

Mayor Wyatt: I don't believe we are voting on that right now, all we are voting on is the Exhibit A – Amendment, just everything we agreed on. Is there any thoughts from Council?

Councilperson Dennis: I am just confused, because I thought we were not going to discuss these items, they were going to be posted separately and now we are discussing them. I just need clarification.

Town Solicitor: The Mayor asked if he could ask the applicant a question which I did not feel any harm in, but you (the Council) are not going to take any action on anything beyond approving this document (Exhibit A – Amendment). If any of you want to motion to put anything else on the next agenda, beyond approving this document tonight, you certainly can. Exhibit A- Amendment now becomes the official Conditional Use.

Motion by Councilperson Barlow, seconded by Councilperson West, to approve Exhibit A – Amendment all 14 Items as stated. **APPROVED (unanimous).**

“Exhibit A is incorporated as part of the minutes.”

6. 1ST READING OF ORDINANCES

A. ORDINANCE #2012-8 HANDICAP PARKING & METERS

This ordinance:

- Establishes parking areas for the use of persons to whom a special handicapped registration plate has been issued.
- Clearly defines some areas where the Town can improve upon with respect to our parking enforcement.

With adoption of this Ordinance the Town is also requesting the elimination of parking meters on the following streets due to the lack of tickets being issued. Streets to be eliminated are: North Race, South Front Street.

2nd reading and adoption if agreeable will be July 25th Town Council meeting.

B. ORDINANCE #2012-9 BUSINESS LICENSE LLC

This item was deleted with adoption of the agenda.

C. ORDINANCE #2012-10 PLAYING GAMES IN STREETS

The Town has received complaints with basketball and other sports being played in the streets. It's not only a public nuisance but primarily a safety concern. No action at this time. 2nd reading and adoption if agreeable will be July 25th Town Council meeting.

Correspondence was received from a resident, in opposition of the ordinance.

Mayor and Council had a lengthy discussion on this issue. Councilperson Dennis asked that the Bedford Street Park project be looked at again, in the sense of the feasibility to the Town and acceptance of the project from the Church. Mayor Wyatt was involved with that project and agreed it was a tremendous concept for the Town. The lots on King Street that the Town owns were also mentioned as a possible site for basketball courts. Councilperson Barlow confirmed the problem in Kimmeytown with Hispanic children (toddlers to teenagers) playing the streets. She witnessed an accident on North Front Street that involved small children and a dog playing in the street, the dog was hit by a car it could have been a child. Councilperson Dennis asked about signage in regards to "Children at Play". Councilperson West stated that the Town needs to educate their residents and has a responsibility to the residents and its children in giving them a safe place to play. Councilperson Barlow suggested contacting the Indian River School District for the use of the old tennis courts on Old Laurel Road. Councilperson West stated the problem with that suggestion was the number of people using the courts at one time, in addition to problems with drinking if there is no age bracket posted. Councilperson West asked about the Catholic Church and the property they own, and they should be involved with the process.

7. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

SCI Well

The Town has been encountering significant iron issues with the SCI Well resulting in the pump, motor, screen and piping being completely plugged with iron. We have received a proposal from AC Schultes for wire brushing and airlifting the well and replacing the pump, motor, and drop pipe. The proposal is \$15,828.00 and has

been reviewed by the Director of Public Works who recommends award. The last time similar work was done at this location was February 2011.

Motion by Councilperson Barlow, seconded by Councilperson West, to grant authorization to the Town Manager to sign the AC Schultes proposal at an amount not to exceed \$15,828.00. **APPROVED (unanimous).**

Delinquent Property Tax Accounts

A Press Release was sent out on July 2, 2012 announcing our Tax Amnesty Program. As of this morning, the town has received \$4,566.43 in delinquent property taxes and waived \$429.36 in penalties.

USDA Closing

Closing on the USDA Loan for the Spray Disposal Expansion is scheduled to take place on Thursday, July 19th - the interest rate for the loan portion will be 2.125%.

Sign Request – Downtown Business

The Town has received a request from a new downtown (East Market Street) business for permission to place two (2) small signs on The Circle letting drivers know of their offerings. This is requested for Saturdays only, will be placed and removed by the business, and are to be placed in the West Market Street and South Bedford Street quadrants at locations approved by the Director of Public Works.

Motion by Councilperson Barlow, seconded by Councilperson Dennis, to grant authorization for two signs, cited by the discretion or determination of the Director of Public Works, only through Labor Day, made by a professional sign company, 2' x 2' in size. **APPROVED (unanimous).**

Monthly Financial Report

The monthly Budget versus Actual Report (June 30, 2012) has been distributed and is posted on the Town website.

Legislative Items

The legislative session has ended and there were no surprises.

As previously reported, we were successful in obtaining an additional \$1,000,000 in funding for Municipal Street Aid (for Georgetown we are receiving \$116,050.55 unrestricted; and \$29,075.91 restricted). Additionally, as part of the Grant-in-Aid Bill an additional \$7,000 was appropriated for the County Seat Package (increases our revenue from \$57,206 to \$64,206 for this line item).

There other pieces of legislation we were following resulted in the following:

<u>Bill</u>	<u>Description</u>	<u>Position</u>	<u>Status</u>	
SS 1 for SB 167	Legality of Ordinance, Code, Regulation or Map Relating to Zoning	Oppose		In Committee
SB 223	Reincorporation – New Charter	Support	Passed House	Passed Senate
HB 261	Termination of Utility Sale or Service	Support	Passed House	Passed Senate
HB 278	Tax Refund Intercept for Collection	Support	Passed	Out of

	of Property Taxes		House	Committee
HB 337	Police Officers' and Firefighters' Employment Relations Act	Oppose	Passed House	
HB 366	Police Chief Due Process	Support	Passed House	In Committee
HB 376	Medical Insurance for Retired County and Municipal Police	Neutral	Out of Committee	

Miscellaneous

- Town Sponsored Yard Sale
 - Seeking Council approval to host a Yard Sale, on The Circle, during September 2012 – details to follow

Councilperson Barlow and Councilperson Dennis thought it was a wonderful idea for bringing more people into Town and volunteered to help.

- The Town received a request for permission for a Hot Dog Cart Vendor – currently our code is moot on this subject
 - Is this something Council would be interested in staff pursuing?

Councilperson Barlow stated that the Town needs to promote local businesses, vendors would be taking business away from established businesses in Town. Councilperson West agreed with Councilperson Barlow. Councilperson Barlow and West agreed to wait until the economy turned around then perhaps revisit the idea. Councilperson Dennis had mixed feelings about it.

- Roadwork – Park Avenue (Truck Route 9)
 - Complete pavement rehabilitation
 - Work begins Monday, July 19 – anticipated to take two (2) weeks
 - Detour in place from 7:00 am to 7:00 pm (no work being done on Fridays)
- SCAT Steering, Friday, July 13, 9:00 AM – Lighthouse Landing

B. ERIC RUST – SUPERINTENDENT WASTEWATER RECLAMATION FACILITY

Influent Flows January – June 2012: 132.363mg
 Gallons Sprayed Town field 74.829mg
 Gallons Sprayed Baxter field 55.1686mg
 Lagoon Depths – 75mg 12.25' 15mg 6.75'

Influent Flows July 2012: 2.252mg
 Gallons Sprayed Town field 3.2mg
 Gallons Sprayed Baxter field 16.31mg
 Lagoon Depths – 75mg 9.75' 15mg 4.75'

- In compliance with all monthly and quarterly reports for January thru June

- DBF expects to have a pre-construction Pettyjohn Woods meeting within the first 2 weeks of August.
- Tri-State Grouting is finishing up cleaning and videoing and should be done in a week or two. To date they have completed 46,876 feet of sewer pipe. Several areas of concern have been identified such as sources of grease, groundwater infiltration, storm drain interference, and pipe breakage. A lot of grease and dirt has been removed from the lines.
- Teal has been raising manholes that had been paved over and opening manholes that had been wedged closed. A total of about 85 manhole lids have been addressed and corrected. Within another week or two the project should be complete.

Town Clerk asked Council what direction they wished to go on with KGB Properties/16 Mile Brewery, no decision was made previously this evening as to appearing before Council at the next meeting (to address his reporting monthly totals and compliance of required landscaping). Councilperson Dennis asked that Council should be given the monthly totals to make sure Mr McCrea is in compliance, in addition, to which I agree with, is that it is not time for him to plant. He is disagreeing as to whether he is in compliance or not, which he is not. Town Manager asked if a letter could be sent to the applicant stating that the July date for the landscaping would not be enforced, extending the time until September 15th. Councilperson Dennis stated that the applicant stated he already complied with that requirement, the letter needs to clarify the Town's position that he is not in compliance.

8. PUBLIC COMMENT

Tony Semeraro, 4 Cranberry Court: Two of the three signs (arrowhead) on the curve heading north on South Bedford Street are missing. Over near the Post Office is a caboose stored there, I am asking the Town to contact the Delaware Coast Line to make the caboose go away. The caboose needs repair, it's such an eyesore.

Lit Dryden: The caboose is owned by the Historic Georgetown Association. The HGA has talked about relocating the caboose to a different area that would be off the tracks and will require the cost to be offset. The money for that was diverted to the replacement of the Train Station after the fire. If the gentleman from Milton would agree to temporarily store the caboose in the interim that would be a good thing. It does need maintenance which we are hoping to do, it just takes funds and volunteers. Any suggestions would be appreciated.

Town Manager updated the Council on the crossing at South King Street.

Brian Pettyjohn, 3 Cinder Way: Thanked Ms Townsend for taking the initiative on the Town wide yard sale. I think it's a great idea, really good for the Town. The Hot Dog Vendor person personally contacted me a few months ago and I encouraged him to talk to the Town Manager. He is a local person. The thing that bothers me is we have other vendors that come to Town that do not pay property taxes but we encourage them to be here. I encourage the Council to revisit this issue. The signs

on the Circle are an interesting precedence that we are setting. I am asking the Council to be cautious.

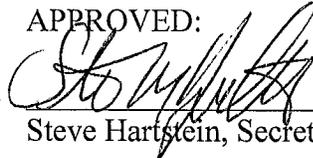
Correspondence from Bob Ricker, thanking the Town Hall staff for everything during the time of his father's death.

Councilperson Dennis asked the Council on how to proceed with the park as discussed earlier. Mayor Wyatt recommended that a committee be appointed at the next meeting. Anyone interested in serving on the Committee should contact the Town Clerk.

9. **ADJOURNMENT**

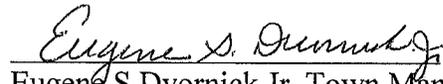
Motion by Councilperson Barlow, seconded by Councilperson Dennis, to adjourn at 7:55p.m. **APPROVED (unanimous).**

APPROVED:



Steve Hartstein, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager