

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, June 13, 2012
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

PRESENT:

Mike Wyatt, Mayor
Steve M Hartstein, Ward One
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
Bill Topping, Chief of Police

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 Councilman Barlow, seconded by Councilman Hartstein, to adopt the agenda as presented. **APPROVED (unanimous).**

4. APPROVAL OF THE MAY 23, 2012 TOWN COUNCIL MINUTES

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

Mayor Wyatt asked that the title "Councilman" be changed to "Councilperson" for future minutes.

4A. INTRODUCTION OF NEW POLICE DEPARTMENT EMPLOYEES

Chief Topping introduced two new employees Jamie Burk, Code Enforcement Officer, and Police Officer, Ptlmn Derrick Calloway.

7. DAVIS, BOWEN & FRIEDEL, INC – PROJECT STATUS

Erik Retzlaff, Town Engineer, presented Council with an overview of current Capital Improvement Projects.

- **Water Service Replacement**

Replacement of approx. 500 water services throughout the Town, Contract awarded to Teal Construction, Construction to begin July 2012, Project complete by March 2013

- **S Railroad Ave Well & Treatment Facility**

Awaiting analytical results from test well, Design completed & advertised to bid in the 3rd quarter 2012, Construction to begin 4th quarter 2012, Construction complete 2nd quarter 2013

- **King Street Water Treatment Facility Rehabilitation & Improvements**

Upgrades needed for compliance with new regulations, Entire facility upgraded and modernized, Continuous monitoring & integrated system controls at all facilities, Design complete & advertised for bid 3rd quarter

2013, Construction begin 4th quarter 2013 (after S Railroad complete),
Construction complete 4th quarter 2014

- I & I Study & Repairs
Manhole Inspections approx. 90% complete, Contractor will be on-site June 14 to start opening remaining 10% of manholes for inspection, Currently high-pressure jetting and video inspecting sewer pipes in areas of concern (approx 50%complete to date), Study complete 4th quarter 2012, Design and construction of repairs to follow
- Spray Irrigation Expansion
Bids to be received June 14, 2012, Beginning of construction anticipated for August 2012, Construction completion & operations to begin approx February 2013

5. ADOPTION OF RESOLUTION #2012-7 PETTYJOHN WOODS LOAN TERM RESOLUTION

The proposed Resolution is for the Pettyjohn Woods, through the United States Department of Agriculture in the amount not to exceed One Million Five Hundred Sixty-Two Thousand Dollars (\$1,562,000), for a term not to exceed forty (40) years at an interest rate to be determined per the Department's current interest rate policy, which is currently 2.00% and which in no case shall exceed 10%.

Councilperson Dennis inquired as to why a new resolution was substituted for the previous resolution. Town Manager explained that after conversations with the USDA, Interim Financing would not be necessary resulting in the revised resolution.

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to adopt Resolution #2012-7 Pettyjohn Woods Loan Term Resolution. **APPROVED** (unanimous).

"Resolution #2012-7 is incorporated as part of the minutes."

6. 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).

Town Manager: Read a letter into the record from citizen, Bob Ricker in favor of the proposed Conditional Use Amendment.

Mayor Wyatt polled the Council for their individual opinions of the proposed changes.

Councilperson Hartstein: Private functions, what type are you planning on? I personally do not have a problem with the time changes, and is there an aroma that comes out of the brewery?

Brett McCrea: We have had requests for weddings and fundraisers, the same as Nassau Winery. There is no aroma, not at this time.

Councilperson Barlow: I have no problem with the times. I have a problem that the landscape buffer has not been put in place.

Brett McCrea: The landscape buffer has been put in place.

Councilperson Barlow: I have a problem with noxious odors, offensive odors, changed to harmful odors.

Brett McCrea: Offensive is an objective nature, it's a matter of opinion.

Councilperson Barlow: I do want to change the wording. The parking still provides 9 automobiles spaces and one bus space. With a large function you are going to need more parking than what is there now. Since the brewery opened, you come every year with amendments to the conditions; a definite plan is requested so we don't need to keep amending the conditions.

Brett McCrea: If you visit the site you will see we have more than adequate parking for larger functions, and I do not have a problem at all with supplying you with a plan.

Chad Campbell: We boil barley, wheat and hops; those are the odors we are speaking of. I don't know of any noxious nature of the situation, let alone anything harmful. With our current brew schedule we're talking 2 hours per day on any given brew day and we do not brew every day.

Councilperson Barlow: I understand your situation, but we have to answer to residents in Town as to odors or anything else that arises from the brewery, if we change the wording as proposed and suddenly there are noxious or offensive odors, then it's too late. We need to think ahead. I do not want to remove that wording.

Councilperson West: We need to do what is right for the people of Georgetown; I know that your (Brett's) parents would not put up with anything coming from your site. How often do you brew and what time do you start?

Brett McCrea: We probably brew on a heavy week approx. 5 times, we start at 7:00am with boiling at 8:00am.

Councilperson West: So an hour into your boiling is when the smell starts, and the smell lasts approx. 1 hour to 1½ hours per batch.

Brett McCrea: The maximum boil time would be approx 4½ hours a day; the earliest would be around 7:00am, the next batch at noon, one after that would be between 4:00 to 5:00pm.

Councilperson West: I would like to visit the site and talk to the residents out in that area first, before making a decision. I cannot make a decision at this time.

Councilperson Dennis: I also share the same concerns; one of my observations is with these amended plans. You have a vision in your head of what this venue is, and I call it a venue because I don't believe that was part of the original intention for the brewery. I'm also a little concerned that when you're asked specific questions about quantifying the statements made here that you say things like, "I would say." I would prefer and I agree that we need time to consider all your proposals and be able to ask questions of you in more detail. I would ask you to think about presenting this in a cohesive plan and tell us exactly what you are. I would like to see your business plan committed to paper, and state emphatically what conditions you have already met in terms of the original Conditional Use

and what conditions are still outstanding that might impede your growth as a business in Georgetown.

Brett McCrea: I think you need to be clearer. I'm trying to understand precisely what you're looking for.

Councilperson Dennis: I am looking for you to, fill in the blanks. The property is used as a microbrewery, and that I understand, but now it's evolved into something bigger, it's an entertainment venue, with parties. There is nothing that has been committed in writing except these amendments that give bare bones detail, so the Council is in the position to ask you for more details and I would prefer that you have that level of detail committed to paper so when we visit the site we can talk to you about your plans and look at the physical plant.

Brett McCrea: I have invited the Mayor & Council to visit the facility and to understand it. I have no problem with submitting a business plan, with the understanding that there will be logical evolutions with the business that will take place, along with State law changes.

Councilperson Dennis: An example of what I would like to see is hours of production, is that based on current production, or future projections, and how far into the future are these hours explicable to you. Give us something a little more detailed.

Brett McCrea: I think that is reasonable.

Councilperson Dennis: I would like to defer this decision.

Mayor Wyatt: We want to be as business friendly as possible. I have no doubt in my mind that what you have out there will help Georgetown. I want us 5 to go as a group to tour. I want to be there when you're brewing, I want to smell it, I want to hear it. There are 3 new members on Council, I do not want to ask Mrs Barlow or Mr Hartstein for their opinion, I want to form my own. We owe it you and the residents of Georgetown to do this. I hate to put you off for another meeting, but it forces our hand to get out there and see your operation before our next meeting. We need a time limit to get out there to see it. I believe we need to table this item until the next meeting.

Motion by Councilperson Barlow, seconded by Councilperson West, to table this item until the June 27th Council meeting. **APPROVED (unanimous).**

8. **1ST READING OF ORDINANCES**

A. ORDINANCE #2012-7 DEMOLITION

The purpose of this ordinance is to define the steps that a property owner must complete in order to be granted approval to demolish any structure within the Town of Georgetown. Many structures exist that contribute to the historical past and heritage of Georgetown. All sizes and styles of historic buildings are important to the overall historic fabric of our community. The removal of any structure whether historic or not should be taken into careful consideration prior to demolition. No action at this time. 2nd reading and adoption if agreeable will be June 27th Town Council meeting.

Councilperson Dennis: Item #4 Include a statement asking applicant to identify any hazardous materials that have to be removed. I'm asking about asbestos or anything of that nature.

Town Manager: Before any structure is torn down an asbestos appraisal is required. For pleasure of Mayor & Council we can add that, but I know that certified appraisers from the DNREC come out prior to demolition.

Councilperson Dennis: Who requires this, the Town, the owner?

Town Manager: Hired contractors are required to obtain all appraisals of materials being removed prior to demolition.

Councilperson Dennis: Since that is already being required could we ask for verification of this?

Comments were made that were not audible on the tape.

Councilperson Dennis; I would just cross reference that, as a requirement to be sure they are following that procedure.

Mayor Wyatt: I looked at that and I assumed a description of the materials would include that. Item #6 would that be for everything or just in a Historic District.

Town Manager: This is what started the modification of the ordinance, if it's in the Historic District, under the current ordinance you have to comply with a site plan. By allowing the waiver, if someone comes in wanting to demolish a K & L shed that is 10years old, the Town Manager can waive all these requirements. If it's a Victorian home, 3 blocks off the Circle, of historical significance then the applicant needs to follow the procedure as outlined.

Mayor Wyatt: Item #7, wouldn't zoning take care of the description of the proposed reuse?

Town Manager: If it's a vacant site, they go through that whole process, if they're taking a house down, they need to follow that original footprint of the structure of the existing house.

9. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Banking Change Request

The Town received notification from Citizen's Bank they will no longer offer interest bearing accounts for Government Banking. Accordingly, the finance staff and I have investigated alternatives and suggest authorization to have the General Fund, Payroll Fund, Sewer & Water Impact Accounts transferred from Citizen's Bank to M & T Bank. As part of the offerings from M & T Bank we will be piloting Remote Check Deposit which provides the ability to directly deposit check payments into our account.

Motion by Councilperson Dennis, seconded by Councilperson Barlow, to grant authorization to transfer the General, Payroll, Water and Sewer Impact Accounts from Citizen's Bank to M & T Bank. **APPROVED (unanimous).**

Service Line Replacement

The Pre-Construction Meeting for the Service Line Replacement will take place on Thursday, June 14th at 11:00 am. In the near future there will be an official ground breaking for the project with the Town, Office of Drinking Water, and Teal Construction.

Spray Disposal Expansion

1. The Bid Opening for the Pettyjohn Woods Spray Disposal Expansion was postponed from June 7th to June 14th to allow time for additional bidders to prepare and submit bids. Sealed bids are due Thursday, June 14th and will

be publically opened at 2:00 pm. It is anticipated the engineer's recommendation will be ready for Council action at the June 27th meeting.

2. Closing on the USDA Funding for the project is anticipated on/about July 15, 2012.

Pedestrian Safety Initiative

The Town has been contacted to participate in the Delaware Office of Highway Safety, Pedestrian Safety Initiative which will be doing a mass media campaign featuring street decals placed at high traffic intersections and crosswalks.

The decals are 2' x 2' square and are made of 3M non-slip material that will not leave a residue on any pavement or sidewalk (see handout). There will be two (2) posting periods: June 25 through July 29 and August 27 through October 1. Areas for placement include The Circle and N. Bedford Street/Bramhall Street crossing.

Motion by Councilperson Barlow, seconded by Councilman Hartstein, to grant authorization to participate in the Pedestrian Safety Initiative. **APPROVED** (unanimous).

Police Vehicles

As was discussed during our FY 2013 Budget presentation – the Police Department is in need of replacing some of the older vehicles in their fleet. Several vehicle alternatives (Ford Crown Victoria, Dodge Charger, and Chevy Impala) have been considered; however, the vehicle best meeting our needs is the Chevrolet Tahoe. Under State Contract we can lease three (3) new Tahoe's, for three (3) years from Mall Chevrolet for a total of \$92,840 (approximately \$32,766.39/year). At the end of the term, the vehicles are ours for \$1.00 each. Funding will be from the Annual Sussex County Local Law Enforcement Grant (\$25,000) combined with \$8,000 from the Police Department operating budget.

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to grant authorization for the leasing of three (3) Chevrolet Tahoe's for the Georgetown Police Department at an amount not to exceed \$93,000. **APPROVED** (unanimous).

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>	
SS 1 for SB 167	Legality of Ordinance, Code, Regulation or Map Relating to Zoning	Oppose		In Committee
SB 223	Reincorporation – New Charter	Support		Hearing 06/13/12
HB 261	Termination of Utility Sale or Service	Support	Passed House	In Committee
HB 278	Tax Refund Intercept for Collection of Property Taxes	Support	Passed House	In Committee
HB 337	Police Officers' and Firefighters' Employment Relations Act	Oppose	In Committee	

HB 366	Police Chief Due Process	Support	Passed House	
HB 376	Medical Insurance for Retired County and Municipal Police	Neutral	In Committee	

Additionally, the Town has sent correspondence requesting an additional \$2,000,000 in funding for Municipal Street Aid.

Miscellaneous

Water Leaks:

- No new ones to report
- Georgetown Public Library – 5K walk/run; Friday, June 15th at 7:00 PM (North Bedford Street Park)

B. WILLIAM TOPPING – CHIEF OF POLICE

Chief Topping presented Council with a Count of Incident Types town wide from January 1, 2012 to June 13, 2012. The Police Department is currently manned at 14 people as authorized by the Council. Federal grants must be in an interest bearing account. Mall Chevrolet for vehicles is in Cherry Hill, New Jersey, next year the dealership is in Pennsylvania. All vehicles come equipped.

10. PUBLIC COMMENT

Joe Newell, Park Avenue: Appreciated Council’s review of his submitted letter. Some questions Council asked were excellent in regards to requiring a business plan. Asked Council to stay within the Conditional Use obligations. There is no real defined business plan as to where they’re (16 Mile Brewery) going with this. Appreciated Council asking those tough questions.

Charlie Koskey, Park Avenue: Had concerns on the emissions of the brewery, affecting the quality of life of the community. Inquired about the I & I study with regards to the groundwater being rather low, is it going to be a thorough study?

Town Manager: Some of the study was done in the rainy season. In Kimmeytown a catch basin for stormwater runoff had busted thru a pipe for the sanitary sewer, which becomes a top priority.

Charlie Koskey, Park Avenue: Between the new well and the King Street upgrade, which is more important, which takes priority?

Mayor Wyatt: Right now the Town is in compliance with it’s drinking water, and will be for a few years. When the State changes their regulations then we will not be in compliance.

Councilperson West: Asked Charlie Koskey and Joe Newell about the smells coming from the brewery?

Charlie Koskey: There was not any smells.

Linda Miller, The Meadows: There are no smells now, but if the brewery got bigger would there be smells then? Is there something to make it go away? I would not take the words (noxious or offensive) out.

Mayor Wyatt: I wanted to check with other breweries in how they deal with the smell. He asked Council members to give available dates to schedule a visit to the brewery.

Town Manager: Correspondence from the Milton Fire Department thanking the Town and the Georgetown Police Department for their help directing traffic during the Willey service.

Mary Deeter, S Bedford St: I don't have a problem with the brewery as it exists today, but I am concerned with the UB2 designation that they're zoned. UB2 designates clean businesses not a business giving out noxious or smelly odors. They need a business plan, how many more times are they going to come in and ask to amend their Conditional Use. That area needs to be a manufacturing District. Like I said I do not have a problem with the business as it is today, I don't hear them, and I don't smell them.

Also, there is a water leak from a sprinkler in Circle, located as you come off of South Bedford St right at the crosswalk.

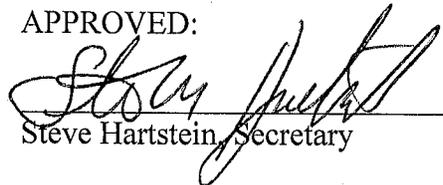
Allen Bernard, 21406 Park Avenue: Advised the Council to check with DNREC and their laws in releasing noxious and offensive odors and find out what the Town's liabilities are.

Mayor Wyatt: Asked everybody as soon as possible to get a date together to give to Gene so we can all go out there to do a tour. If it doesn't meet everybody to do it at one time, I encourage everybody to go out there at least on your own, Brett is more than glad to give you a tour and let you look through it.

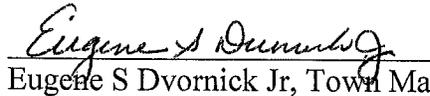
11 . **ADJOURNMENT**

Motion by Councilperson Barlow, seconded by Councilperson West, to adjourn at 8:20p.m. **APPROVED (unanimous).**

APPROVED:


Steve Hartstein, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager