

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, May 23, 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
Mike Wyatt, Mayor Elect
Steve M Hartstein, Ward One
Sue H Barlow, Ward Two
Bob Ricker, Ward Three
Bill West, Ward Three Elect
Annie Besche, Ward Four
Linda Dennis, Ward Four Elect

STAFF PRESENT:

Eugene S Dvornick Jr, Town Manager
Angela Townsend, Town Clerk
Stephani Ballard, Town Solicitor

6:45 P.M. PUBLIC HEARING

AMEND CONDITIONAL USE APPLICATION – KGB PROPERTIES/16 MILE BREWING CO – CASE #2010-04

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). Brett McCrea and Chad Campbell presented Town Council with an overview of the proposed changes. The biggest change is with the hours, since opening the new addition we have received a lot of requests (fundraisers) to use the facility, with hours of use being after we're closed.

Mayor Pettyjohn reviewed the proposed changes. Item #3 Change the hours of production to 5am to 9pm, Monday thru Saturday with maintenance on Sundays. Remove Item #5. Item #10 Expand the hours for onsite consumption, retail sales, and Public tours Monday-Saturday 10am -10pm until 1am for private functions. Item #11 Remove the wording of noxious or offensive and replace with "harmful."

Brett McCrea explained that a smaller system (15 vat) as they have now is much more manageable than if we were to go to a 30 vat system, that system would have to be vented.

Mayor Pettyjohn asked if any of the conditions were more lenient than enforced by the Alcohol Beverage Control Commission. The applicant said they were not.

Linda Dennis asked for a clarification of the number of employees shall not exceed 15, was that an increase or decrease from a previous number?

Brett McCrea: Currently we have 4 full time and 1 part-time, I can see us going up to that number (15) at some point.

Linda Dennis have you ever considered changing your zoning designation due to the fact you've been before Council numerous times to Light Industrial from UB2?

Brett McCrea: The Code of the Town of Georgetown does not have a zoning for a microbrewery use for it, so even if we went for a change of zone we would still need a Conditional Use.

Stephani Ballard, Town Solicitor: Item #10 jumped out at me, with 7am and onsite consumption that I know is not allowed by State law, and I would suggest to Council to reword Item#2 to state that all of your uses are in compliance with the existing laws and regulations.

Town Manager: In §230 Zoning the Light Industrial (LI) District for permitted uses are listed:

D. Beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of fish, meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animals or poultry.

Brett McCrea: It doesn't actually say the manufacturing just blending and bottling.

Opposed:

Joe Newell, Park Avenue: Item #11 should read noxious, offensive or harmful. Now they are going to 1:00am for private functions, this Conditional Use keeps expanding all the time, we're expanding the building, the hours, the employees, it keeps growing and growing. Before you change anything in regard to harmful from noxious and offensive these notices should go out to everyone in the neighborhood that is affected by this. I just happen to get a hold of this (Exhibit A) tonight.

Charlie Koskey, Park Avenue: I am not here in opposition, they a doing a fine job and have been good neighbors, but I have a problem with Item #11 changing it to harmful. I believe it's in the community's best interest that when this application was originally set forth that some type of apparatus was suggested that could help with these issues. I feel the Council should look at this closely and give some thought to that, not only does it affect the properties adjacent to the brewery it affects the whole community.

Alan Bernardo, 21406 Park Avenue: I have a problem with someone putting an industrial business in my back yard and putting out noxious odors. I made an investment in my property and I am going to lose money in my property value if he puts a noxious and industrial business there. I am going door to door and get a petition on this. I will call the local news and let them know, I will do it my way.

Mayor Pettyjohn stated the record would be open for 14 days for written comment, and the item will be placed on the June 13th Town Council agenda for a decision.

Public Hearing was closed at 7:04pm.

7:04 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 Besche, to adopt the agenda as presented. **APPROVED (unanimous).**

4. APPROVAL OF THE MAY 9, 2012 TOWN COUNCIL MINUTES

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

5. RECOGNITION OF OUTGOING OFFICIALS

Plaques were presented to Mayor Pettyjohn, Councilman Ricker, and Councilman Besche, for their service, dedication, and guidance to the residents of the Town of Georgetown.

6. OATH OF OFFICE

The Honorable Judge of Family Court, of the State of Delaware, Peter B Jones officiated the Swearing in of Michael R Wyatt for Mayor.

“The Oath of Office is incorporated as part of the minutes.”

The Honorable Judge of Family Court, of the State of Delaware, Peter B Jones officiated the Swearing in of Councilman William E West for the Third Ward.

“The Oath of Office is incorporated as part of the minutes.”

The Honorable Judge of Family Court, of the State of Delaware, Peter B Jones officiated the Swearing in of Councilman Linda J Dennis for the Fourth Ward.

“The Oath of Office is incorporated as part of the minutes.”

Affirmation of the Code of Ethics was signed by Councilman Barlow, Councilman Hartstein, Councilman West, Councilman Dennis, and Mayor Wyatt.

“Affirmation of the Code of Ethics is incorporated as part of the minutes.”

7. ELECTION OF OFFICERS

A. VICE-MAYOR

Councilman Hartstein nominated Councilman Barlow as Vice-Mayor.

Motion by Councilman Hartstein, seconded by Councilman Dennis to approve the nomination of Councilman Barlow as Vice-Mayor. **APPROVED (unanimous).**

Recused: Barlow

B. SECRETARY

Councilman Barlow nominated Councilman Hartstein as Secretary.

Motion by Councilman Barlow, seconded by Councilman West, to approve the nomination of Councilman Hartstein as Secretary. **APPROVED (unanimous).**

Recused: Hartstein

8. AWARDING OF BID – WATER SERVICE REPLACEMENT PROJECT

Bid opening was held Monday, May 21, 2012 at 2:00pm at Town Hall. Bids were received from Teal Construction, Inc and George and Lynch, Inc. DBF, Inc have tabulated and reviewed the bids. After reviewing the bids their recommendation was to award the contract to Teal Construction Inc. in the amount of \$1,838,838.

Councilman Dennis asked about details of the bid process and the qualifications for the bidders. Erik Retzlaff, Town Engineer, explained the questionnaire that was required as part of bid process and guidelines of the qualifications for the bidders.

Motion by Councilman Hartstein, seconded by Councilman Dennis, to award the bid to Teal Construction in the amount of \$1,838,838.00. **APPROVED** (unanimous).

9. BOARD OF ADJUSTMENT APPOINTMENT

Due to Linda Dennis' appointed to Town Council, her seat is currently vacant. One letter of interest was received from Bo Shockley. The vacancy had been advertised in the Sussex Countain and posted in Town Hall.

Mayor Wyatt recommended the appointment of Bo Shockley to the Board of Adjustment for the completion of Linda Dennis's term.

Motion by Councilman Dennis, seconded by Councilman Barlow, to approve the Mayor's appointment of Bo Shockley to the Board of Adjustment for completion of Linda Dennis's term. **APPROVED** (unanimous).

10. BLUEPRINT COMMUNITY UPDATE

Karen Duffield updated the Council on the status of the Blueprint Planning team. "This is a special meeting, I know, and I welcome the new & not so new faces to Council tonight, and as the Executive Director of the GGCOG, a member of the GT Blueprint Communities Team, and someone who, although I do not live here, I have a vested interest in the success and quality of life that we find here in Georgetown, I wish you all great success and achievement in your service to the Town of Georgetown.

The Blueprint Communities Delaware program is a joint initiative of the Federal Home Loan Bank of Pittsburgh, the University Of Delaware Center for Community Research and Service, and the Jessie Ball duPont Fund. The program has had a major impact on nine Delaware communities since 2008 and is gaining momentum. The benefits for participating in the initiative are substantial and include: free training provided by a variety of planning and community development experts; free assistance with developing a revitalization plan for the community; free coaching and technical assistance services; and access to information on funding sources that can lead to important public and private investments in the community.

Learning Objectives

By the end of this training, each planning team and their members will develop a better understanding of:

- the key components of community strategic planning and implementation
- how to function as a planning team
- how to identify community assets and issues
- methods to build community consensus and increase civic involvement by residents

- how to build relationships and partnerships with public, private and nonprofit organizations
- strategies which will help our community be heard in the media
- techniques for program and project design and feasibility analysis
- fundraising principles and practices
- program and project implementation and evaluation

The success of the Blueprint Communities initiative hinges on the buy-in we can get from leaders and residents—from local legislators, and council members, business owners, school officials, non-profit providers—all of these people- ALL OF YOU- have a vested interest in the success of any community plan that is developed—so why not play a KEY ROLE in executing the plan and acting as ambassadors of the plan to ensure its success.

We have spent quite some time developing as thorough a stakeholders database as we can—identifying key contacts from the various sectors of our community—business organizations, civic assoc., commercial developers, local, county & state economic development planners, community & social service agencies, educational institutions, emergency & protection services, law-enforcement, faith-based organizations & places of worship; we desperately need to get input & engagement from our very diverse, multi-cultural community within the GT community, our local, county & state governments, health care providers, historic & preservation groups, housing –transitional, low-income & senior living, our industry principals, legal & judicial contacts, the media, real estate, retail store owners, tourism offices, youth & senior service clubs, and the list can continue on particularly with your input.

So, in ending, I ‘d like to thank you for allowing us to provide this update on our Blueprint Communities work and, I invite you to join us in this effort- support the initiative with your input, with your suggestions, with your presence at our planning meetings, or during our neighborhood “ walk-about”- hand out surveys to your constituents- talk to the friend you have breakfast with every morning & get their ideas, input--support it with your enthusiasm! if we can get the Town & Town Council to “buy-in” to the opportunity we have to create a revitalizing, strategic plan for Georgetown, we are on a good course to seeing Georgetown as a community where people feel safe, diversity is celebrated, and businesses can thrive. It will be a place where decision-makers are respectful of the Town’s unique heritage, and supportive of its unique opportunities for growth and development.”

11. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Spray Disposal Expansion

1. **Pre-Bid Meeting:** The pre-bid meeting for the Pettyjohn Woods Spray Disposal Expansion took place on Tuesday, May 22nd. A total of four (4) potential bidders were in attendance. Sealed bids are due Thursday, June 7th 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 13th meeting.
2. **USDA Funding:** As a requirement of our USDA funding application, we are required to execute a Loan Resolution (Form 1780-27). This outlines the total

USDA funding of \$2,600,000 (Grant: \$1,038,000 (39.9%); Loan: \$1,562,000 (60.1%)). We have requested closing on the loan as soon as possible to take advantage of the current 2.0% interest rate.

Motion by Councilman Barlow, seconded by Councilman Dennis, to approve the USDA Loan Resolution. **APPROVED (unanimous).**

3. ***Interim Financing:*** As the Town works through and awaits the closing for the USDA loan we will need interim financing, reimbursable through the USDA funds, to meet expenses incurred prior to funds being released. Accordingly, the Town has been working to secure interim financing through PNC Bank.

Motion by Councilman Barlow, seconded by Councilman Dennis, to authorize the Town Manager to negotiate interim financing through PNC Bank at an amount not to exceed \$900,000. **APPROVED (unanimous).**

Town Hall – HVAC Duct Work

The Town has received five (5) proposals for replacement of the first floor ductwork for the Town Hall HVAC system:

<u>Vendor</u>	<u>Estimate</u>
B. Walls & Sons, Inc.	\$ 7,925.00
North Star Heating & Air Conditioning	\$ 7,585.00
Megee Plumbing & Heating Co.	\$ 6,628.00
Service Today	\$ 5,690.00
Artec Air Heating & Cooling	\$ 5,600.00

It is the recommendation of our Construction Coordinator and Town Manager to award the work to Artec Air at an amount not to exceed \$5,600.00.

Motion by Councilman Hartstein, seconded by Councilman Barlow, to grant authorization to the Town Manager to sign the Artec Air proposal at an amount not to exceed \$5,600.00. **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		In Committee
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	Senate Judiciary Committee

HB 337	Police Officers' and Firefighters' Employment Relations Act	Oppose	In Committee	
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Additionally, the Town has sent correspondence requesting an additional \$2,000,000 in funding for Municipal Street Aid.

Water & Sewer Depreciation Accounts

The Town received notification from Merrill Lynch they would no longer be providing brokerage services to municipal governments. Accordingly we have investigated alternatives and suggest authorization to have the Water Depreciation Account (\$67,158.78) and the Sewer Depreciation Account (\$222,366.55) transferred from Merrill Lynch to Wilmington Trust.

Motion by Councilman Barlow, seconded by Councilman Hartstein, to grant authorization to transfer the Water and Sewer Depreciation Accounts from Merrill Lynch to Wilmington Trust. **APPROVED (unanimous).**

Job Vacancies

I am pleased to report our two job vacancies have been filed:

- Wastewater Operator I, we received 15 applications, 5 were selected for interview an offer was made to an accepted by Paul Smith. He started on Tuesday, May 22.
- Code Enforcement Officer, we received 47 applications, 3 were selected for an interview an offer was made to an accepted by Jamie Burk. He starts on Tuesday, May 29.

Miscellaneous

- Water Leaks:
 - 2012
 - Number 9: 106 North Front Street – Replaced 1” Service Line
- Reminder: Town offices will be closed on Monday, May 28th in observation of Memorial Day
- Upcoming Events
 - Delaware League of Local Governments, Thursday, May 24, 6:00 PM – Dover Sheraton
 - Annual Memorial Day Service, Sunday, May 27 1:30 PM – The Circle
 - Sussex County Association of Towns – Lunch with Legislators, Tuesday, June 5, 11:00 AM – Legislative Hall
 - Sussex County Association of Towns, Wednesday, June 6, 6:00 PM – Bear Trap Dunes
 - SCAT Steering, June 8, 9:00 AM – Lighthouse Landing
- Service Anniversaries for May:
 - Eric Rust Wastewater 27 Years

12. PUBLIC COMMENT

Ira Hitchens, Cabbage Corner: Thanked Capt Holm and Lt Gross for a job well done with the Gregg memorial dedication. He wished traffic would have been

stopped during the ceremony. Mr Hitchens did not think it was fair that Mrs Gregg had paid for the reception following the dedication, he was very upset. If he had known prior he could have gotten sponsors to defray the costs to the Gregg family.

Rosalie Walls: Congratulated newly sworn in Council members, and also congratulated current Council members with all their help and support in the past. November 8th is Return Day and in the past the Town's help was greatly appreciated. July 16th is the next Return Day meeting at the Marvel Museum and all council members are welcome to attend. This year marks the 200th year for Return Day, making this year extra special.

13. EXECUTIVE SESSION

The Town council will meet in Executive Session for discussion of personnel matters and litigation issues.

Motion by Councilman Dennis, seconded by Councilman Barlow, to adjourn to Executive Session at 7:56p.m. **APPROVED (unanimous)**.

Executive Session exited at 8:44p.m.

14. ADJOURNMENT

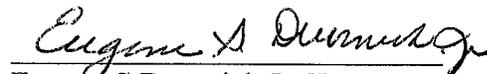
Motion by Councilman Dennis, seconded by Councilman West, to adjourn at 8:45p.m. **APPROVED (unanimous)**.

APPROVED:



Steve Hartstein, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager