

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, February 13, 2013  
**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  
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 Bradley, Dir of Public Works

**6:45 P.M. PUBLIC HEARING – ALLEY ABANDONMENT – 12’ ALLEY**

According to the Charter the Mayor & Council have the authority to change the street structure of the Town. Affected property owners were notified of the Public Hearing.

Two letters of no objection were received from the adjoining property owners.

William F Massey, Jr, presenting the applicant, Madhunt Properties LLC, requested the abandonment of the 12’ Alley. The request if favorable would increase the width of their lot by 6’, allowing the proposed dwelling to be placed on the lot. Manhunt Properties, LLC would prepare the survey along with the meets and bounds as agreed to.

In Opposition: No one spoke.

In Favor: No one spoke.

This item will be placed on the February 27<sup>th</sup> Town Council agenda for a final decision.

Public Hearing closed at 6:54pm

**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 Hartstein, seconded by Councilperson West, to adopt the agenda as written. **APPROVED (unanimous).**

**4. APPROVAL OF JANUARY 23, 2013 TOWN COUNCIL MINUTES**

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

**5. PROPOSED ZONING AMENDMENT – CASE #2012-24 – RICHARD & DIANE GREENBERG**

A zoning application by Cotten Engineering representing Richard & Diane 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.

The Town Council should consider the recommendation of the Planning Commission for approval from UB1 (Urban Business) to HC (Highway Commercial) zoning district for the property identified as Sussex County Tax Map 135-14.19 Parcel 62.00.

**A. ORDINANCE #2013-5 AMEND ZONING MAP**

Ordinance #2013-5 updates the zoning map to reflect the zoning change.

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to adopt Ordinance #2013-5 Amend Zoning Map. **APPROVED (unanimous).**  
“Ordinance #2013-5 is incorporated as part of the minutes.”

**6. ANNUAL TAX ASSESSMENTS**

**A. BOARD OF APPEALS**

The Town Council will need to hear any appeals that are presented and then adopt the Annual Tax Assessments for the upcoming year.

Councilperson Dennis stated that of the total assessment, 25% of the properties are exempt from taxes, which is a significant portion, and yet they do benefit from the public services which we provide. We just need to remember that.

**B. ADOPTION OF ANNUAL TAX ASSESSMENTS**

Motion by Councilperson Barlow, seconded by Councilperson Hartstein, to adopt the Annual Tax Assessments. **APPROVED (unanimous).**

**7. DEPARTMENTAL REPORTS**

**A. GENE DVORNICK – TOWN MANAGER**

**Margaret Street – Phase 1**

The Town has received a proposal from the Town’s Engineer (Davis, Bowen & Friedel) for services related the Margaret Street Improvements Project (Phase 1), totaling \$49,250.00, the breakdown is as follows:

Topographic Survey	\$ 7,500.00
Engineering Design & Permitting	\$ 32,500.00
Bid Phase Services	\$ 3,500.00
Construction Administration	\$ 5,750.00
	<u>\$ 49,250.00</u>

Total funding for this project is covered through Community Development Block Grant (CDBG) \$139,790 and a Town match of \$59,910. Total estimated project cost is \$199,700.

Motion by Councilperson Dennis, seconded by Councilperson Barlow, to grant authorization for the Town Manager to sign the Engineering Agreement. **APPROVED (unanimous).**

**FOP Contract Negotiations**

On January 31, 2013, the Town received correspondence from the Georgetown Police Department FOP indicating the members of their Bargaining Team: Joel Diaz – President; Matthew Barlow – Vice President and Derrick Calloway – At Large Member. Additionally, they will be using Ms. Amy Whitehair, a National FOP Labor Specialist to assist with negotiations.

After consultation with Mayor Wyatt, it is suggested the Town’s Bargaining Team comprise the following: Mike Wyatt – Mayor; Steve Hartstein – Ward 1 Councilperson and Gene Dvornick – Town Manager. Additionally, Chief Topping for expertise as needed. The current contract is set to expire on April 30, 2013.

Councilperson Dennis asked to be added to the Bargaining Team.

Mayor Wyatt recommended the addition of Councilperson Dennis to the Bargaining Team.

Motion by Councilperson Hartstein, seconded by Council Barlow, to appoint Councilperson Dennis as recommended by the Mayor. **APPROVED (unanimous)**.  
**Abstained: Dennis**

Motion by Councilperson Barlow, econded by Councilperson Hartstein, to appoint the Town's Bargaining Team as recommended with the addition of Councilperson Dennis. **APPROVED (unanimous)**.

**\*\* (See Item #7A)** Stephani Ballard, Town Solicitor, stated that with the addition of Councilperson Dennis, a quorum could be in effect, which could constitute a public meeting. It would be in the Town's best interest not to have a quorum. The Mayor and one Councilperson would be the better choice.

Motion by Councilperson Barlow, seconded by Councilperson Hartstein, to withdraw the motion appointing the Mayor and Councilperson Hartstein and Councilperson Dennis on the Bargaining Team. **APPROVED (unanimous)**.

Councilperson Hartstein volunteered to step down from the Bargaining Team Appointment.

Motion by Councilperson Barlow, seconded by Councilperson Hartstein, to appoint the Mayor, Councilperson Dennis, and the Town Manager to the Bargaining Team, with Chief Topping for his expertise as needed. **APPROVED (unanimous)**.

#### **Zoning Code and Subdivision Ordinance Review**

Town Hall staff met with representatives of URS to discuss the possibility of assisting with the review and recommendations for revisions in three (3) areas:

1	Residential and commercial parking ordinances and requirements including specifications	\$ 5,020.00
2	Signage ordinance and requirements	\$ 3,544.00
3	Streamline and update the Town's process and procedure for site plan and Subdivision approval	\$ 4,952.00
		<hr/>
		\$ 13,516.00

It is the Town Manager and the Planning Department's recommendation to contract with URS for the services outlined above.

Motion by Councilperson Barlow, seconded by Councilperson Dennis, to approve the contract with URS for the services outlined above. **APPROVED (unanimous)**.

#### **DelDOT Improvements – Race Street/East Market Street**

The Town has received notification from DelDOT that new signals are to be installed at the intersection of East Market Street and Race Street. The improvement will rebuild the traffic signal at the intersection to get the signal heads over the lanes as opposed to on the side of the road. This change will increase the visibility of the signal heads as drivers approach the intersection and should help reduce crashes at this location.

A few other highlights of the signal project are as follows:

1. Decorative mast arms and signal poles will be used in order to fit in with the character of the Town.
2. Pedestrian signals are being provided and the curb ramps at the intersection will be made ADA compliant.

3. The mast arms will allow the NO LEFT TURN signs to be mounted overhead, which should help reduce any potential illegal left-turn movements since the signs are more visible.

A copy of the proposed signal plan has been distributed.

After discussion, Councilperson Hartstein asked for photographs of the decorative mast arms and poles to be used, and Councilperson Dennis asked that the Town Manager obtain updated accident statistics for the intersection.

#### **Legal Counsel – Board of Adjustment**

The Town has received a proposal from Prickett, Jones & Elliott for representation of the Town of Georgetown Board of Adjustment. There is a \$1,000 retainer requested and the hourly billing rate is \$325.00 for Mr. Paradee and \$275.00 for his Associate. This has come about due to the Town utilizing the same solicitor for Planning Commission as well as Board of Adjustment. Mr. Willard will continue to represent the Planning Commission.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to grant authorization for the Town Manager to sign the Engagement Letter with Prickett, Jones & Elliott. **APPROVED (unanimous)**.

#### **Communities of Distinction**

The Town has been contacted by the television series "Communities of Distinction" regarding a segment on the Town of Georgetown. Mayor Wyatt and I spoke with the Associate Producer on January 31<sup>st</sup>. The focus on Georgetown would be a five (5) minute segment on topics, trends and issues related to "Best Places to Live, Work and Visit" in their "Rediscover America" series.

This segment would air one (1) time nationally on FOX Business Network and thirty-four (34) times regionally on ABC and FOX Broadcast Stations and/or Regional News Networks in many of the top 100 markets nationwide based on viewer demographics, interests and distribution checklist. As discussed, "Communities of Distinction" and its programs have no direct affiliation with the networks on which it airs. Participation would require the Town to pay a \$24,800.00 scheduling fee.

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to decline "Communities of Distinction". **APPROVED (unanimous)**.

#### **Miscellaneous**

- Upcoming Events:
  - Delaware League of Local Governments, Thursday, February 21, 6:00 PM – Dover Sheraton
- Water Leaks
  - Number 2 – 322 South Bedford Street; replace service saddle

**\*\*Stephani Ballard, Town Solicitor, asked that the Town Council go back and re-address the FOP Contract Negotiations Bargaining Team recommendation.**

#### **B. BILL BRADLEY-DIRECTOR OF PUBLIC WORKS**

The Public Works Department has a pre-bid meeting today to start the new water plant construction project. The first phase of the project will be to install the wells and then design the plant according to the quality and quantity of the wells. The bids for the wells are due back in two weeks so construction should start soon.

The Water Service Replacement Project is moving along nicely. The Public Works Department has been able to replace the oldest service lines in Town that we are

aware of and our water leaks have slowed down tremendously. The leaks that we are having have been from the 1991 Up-Grade with the service saddles breaking at weld joints possibly installed improperly over torque of the bolts.

The street sweeper has been out cleaning the streets and we are scheduling to start a Town wide catch basins clean out. The men have started repairing and replacing street signs throughout Town making a list of ones that need to be replaced to get ordered and straightening others that have been bent or twisted.

Councilperson Dennis asked Mr Bradley to check on the area on Old Laurel Rd from the tennis court to the School, due to serious flooding from erosion with people illegally parking along the area. Perhaps the placement of "No Parking" signs that can be read could be placed there. Grading needs to be done also. Mr Bradley stated that millings from the Margaret Street project could be used there. Councilperson Barlow also added that the street lighting in that area is bad.

**8. 1<sup>ST</sup> READING OF ORDINANCES**

**A. ORDINANCE #2013-1 BUSINESS LICENSE LLC**

In order to comply with the "Clean Hands" section of our Code, the definition of applicant and person/persons had to be clarified. No action at this time. 2nd reading and adoption if agreeable will be at the February 27th Town Council meeting.

**B. ORDINANCE #2013-2 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. A Demolition Application is attached for reference. No action at this time. 2<sup>nd</sup> reading and adoption if agreeable will be at the February 27<sup>th</sup> Town Council meeting.

**C. ORDINANCE #2013-3 YARD SALES**

The proposed ordinance, clearly defines the requirements in conducting a yard sale, including permits, signage, hours, cancellations, enforcement, and penalties and violations. No action at this time. 2<sup>nd</sup> Reading and adoption if agreeable will be February 27<sup>th</sup> Town Council meeting.

After discussion the Ordinance will be modified by the Town Manager and Town Solicitor.

**D. ORDINANCE #2013-4 ELECTRONIC SIGNAGE**

This ordinance regulates and defines electronic signage. No action at this time. The 2<sup>nd</sup> reading & adoption will be at the February 27<sup>th</sup> Council meeting.

Councilperson Dennis voiced concerns with this type of signage in a Historic District. Councilperson Barlow asked about limiting this ordinance to just Highway Commercial Districts.

**9. RESOLUTION #2013-2 FOREST CANOPY DENSITY GOAL**

As a requirement for the State of Delaware, Department of Agriculture, Urban & Community Forestry Grant, the adopted Resolution is part of the criteria for 2013 funding that the Town will be applying for.

The Town's match will be equal to the amount of the grant. The grant will be for the replacement of trees along East Market Street.

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to adopt Resolution #2013-2 Forest Canopy Density Goal. **APPROVED (unanimous).**  
**“Resolution 2013-2 is incorporated as part of the minutes.”**

**10. PUBLIC COMMENT**

Tony Semeraro, 4 Cranberry Court: With having discussions of review with certain areas of the Planning Code, it peaked my interest in two ways. With the Comprehensive Plan being 3 years old on a 5 year cycle, with the comp plan there are a list of recommendations of actions to be taken or things to be implemented, which I think now would be a good time for our staff to take a look at, to see where we stand on these items in the time remaining. The other thing is a major solar project at the Georgetown Apartments, consisting of two parts, a roof top solar system in addition to a field of solar panels, which I don't think we address that in our Code at all. I know some towns have addressed solar items and with that comes wind power. Which involves towers, and height restrictions and other things which we might want to take a look at as more and more projects come our way.

The Town Manager stated that the State had passed legislation dealing with wind energy. He would forward that information on to Mr Semeraro.

**11. EXECUTIVE SESSION**

The Town Council will meet in Executive Session for discussion of:

- A. Possible land acquisition,
- B. Personnel matter on which the name, competency and ability of an individual employee is discussed, and
- C. A strategy session, with respect to a pending litigation issue.

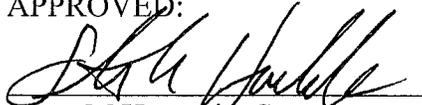
Motion by Councilman Barlow, seconded by Councilman West, to adjourn to Executive Session at 8:04p.m.

Executive Session exited at 9:20p.m.

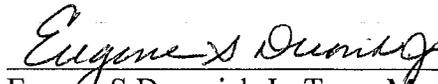
**12. ADJOURNMENT**

Motion by Councilperson Barlow, seconded by Councilperson Hartstein, to adjourn at 9:21p.m. **APPROVED (unanimous).**

APPROVED:

  
Steve M Hartstein, Secretary

ATTEST:

  
Eugene S Dvornick Jr, Town Manager