

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, March 22nd, 2017
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. – Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of March 8, 2017 Town Council Minutes
5. Board of Adjustment Appointment
6. Adoption of the Annual Tax Assessments
7. Ordinance #2017-1 Amendments to Zoning Code (ch. 230)
8. Resolution #2017-3 King Street Water Treatment Plant Upgrade Project
Resolution approving the issuance of up to \$500,000 maximum principal amount general obligation bond, series 2017-SRF and authorizing other necessary action
9. Departmental Reports
 - A. Town Manager – Gene Dvornick
10. Public Comment
11. Adjournment

The agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions, which arise at the time of the meeting. Persons with disabilities requiring special accommodations to attend this meeting should contact the Town Office in writing 72 hours in advance of the meeting, stating their needs in order to have them addressed under the requirements of the Americans with Disabilities Act (ADA).



To whom it may concern:

I Todd Wilson, an active resident of Georgetown, am interested in the vacant seat of the Code Enforcement Committee. I not only live in Georgetown, I work in Georgetown, and graduated from Sussex Central High School. I have committed myself to serving the community through several different organizations. Most notably: Rotary, Georgetown Chamber, Pathways to Success, and Creative Mentoring. I believe the Code enforcement committee is an integral part to any town and has a positive impact in the community. I hope to provide a positive influence and steady hand in helping guide and make decisions regarding the proper codes.

I sincerely appreciate the opportunity to be considered for this position.

Thank you,

Todd Wilson

AVP, County Bank

Georgetown Resident

112 Truitt Ave

Georgetown, DE 19947

(302) 228-1853



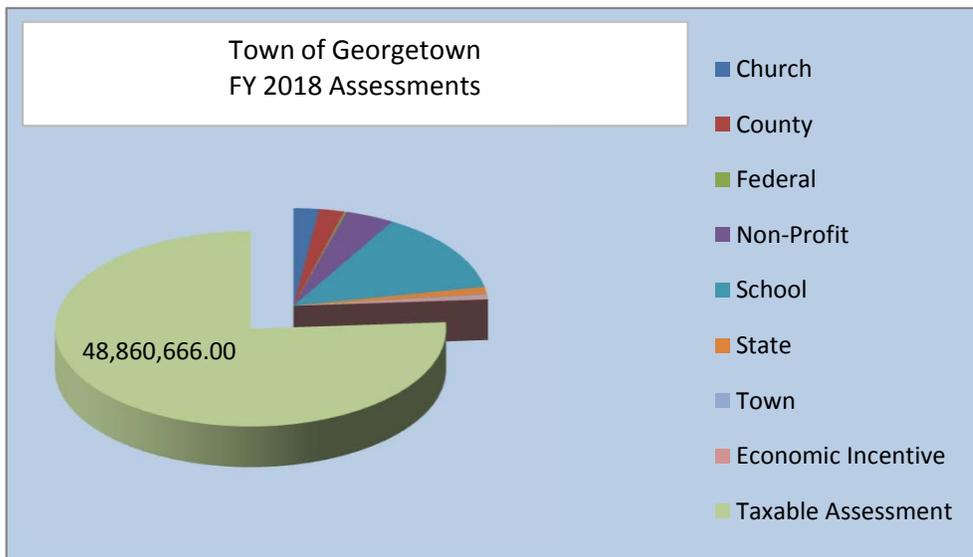
**Town of Georgetown
Annual Tax Assessments
FY18**

Land	10,321,629.00
Improvement	53,917,742.00
Total Assessment	<u><u>64,239,371.00</u></u>

Exempt Properties

Church	1,350,250.00
County	1,347,600.00
Federal	102,550.00
Non-Profit	2,609,380.00
School	8,643,100.00
State	815,500.00
Town	232,000.00
Economic Incentive	278,325.00
Total Exempt	<u><u>15,378,705.00</u></u>

Taxable Assessment 48,860,666.00



RESOLUTION 2017-3

RESOLUTION APPROVING THE ISSUANCE OF UP TO \$500,000 MAXIMUM PRINCIPAL AMOUNT GENERAL OBLIGATION BOND, SERIES 2017-SRF, TO THE DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES, DRINKING WATER STATE REVOLVING FUND, AS REGISTERED OWNER, TO FINANCE THE ADDITIONAL CONSTRUCTION COSTS ASSOCIATED WITH NECESSARY UPGRADES AND IMPROVEMENTS TO THE TOWN OF GEORGETOWN'S APPROVED KING STREET WATER TREATMENT FACILITY PROJECT; SETTING FORTH THE FORM AND DETAILS OF THE BOND; DETERMINING THAT THE BOND WILL BE SOLD BY PRIVATE SALE AND AUTHORIZING EXECUTION OF A FINANCING AGREEMENT; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWN FOR THE BOND; AND AUTHORIZING OTHER NECESSARY ACTION

RECITALS

WHEREAS, The Town Council (the "Town Council") of The Town of Georgetown (the "Town") pursuant to 65 Del. Laws Ch. 276, as amended (the "Charter"), by Resolution adopted February 22, 2017 ("Resolution 2017-3"), previously proposed to borrow up to \$500,000 in order to finance the additional construction costs associated with the necessary upgrades and improvements to the Town's existing King Street Water Treatment Facility (the "Project"), and fixed a time, date and place for a public hearing on Resolution 2017-3. Notice of hearing on Resolution 2017-3 was properly placed as required by the Charter; and

WHEREAS, the public hearing was held in accordance with the Charter on March 8, 2017 and the Town Council now desires to authorize, following the aforementioned public hearing, the issuance of a bond pursuant to Section 5.9(c) of the Charter, such bond and the amount of all other bonds, certificates of indebtedness, notes and other obligations of the Town issued pursuant to said Section 5.9(c) of the Charter not exceeding \$5,000,000; and

WHEREAS, the Delaware Department of Health and Social Services, Division of Public Health (the "Department") has authorized a loan (the "Loan") to the Town from the Delaware Drinking Water State Revolving Fund (the "Fund") in an amount not to exceed three million three hundred thousand dollars (\$500,000), at an interest rate of zero percent (0%) and principal forgiveness of the entire amount advanced to the Town under the Loan up to \$500,000 upon completion of the Project, with a repayment term equal to the construction period plus thirty (30) years in the event the Project is not completed and any amount advanced under the Loan up to \$500,000 needs to be repaid; and

WHEREAS, Section 5.9(b) of the Charter authorizes the Town to borrow sums, not exceeding in the aggregate 75% of the assessed value of real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness; and

WHEREAS, pursuant to and in accordance with the Charter, Resolution 2017-3 and this Resolution, the Town now desires to borrow FIVE HUNDRED THOUSAND DOLLARS (\$500,000) principal amount in order to finance the additional construction costs associated with the necessary upgrades and improvements to the Town's existing King Street Water Treatment Facility, including, but not limited to, the removal of the existing air stripping towers and replacement with considerably larger towers, pumping, piping, site, structural, electrical, mechanical, instrumental, and control upgrades; and

WHEREAS, the Town desires to issue its General Obligation Bond, Series 2017-SRF in the maximum principal amount not to exceed \$500,000 (the "Bond") and authorize the Mayor, Town Manager and Secretary of Town Council (the "Town Officials") to determine the final terms and conditions of the Bond and to sell the Bond in a negotiated sale to the Fund, acting by and through the Department; and

WHEREAS, the Bond will be issued under, and subject to, the terms and conditions contained in a Financing Agreement dated as of the date of closing, by and between the Town and the Fund (the "Financing Agreement"); and

WHEREAS, the Town has determined that it is not necessary to appoint a fiscal agent or paying agent in connection with the issuance of the Bond; and

WHEREAS, by the adoption of this Resolution, the Town Council desires to exercise the authority delegated to it under the Charter, and on behalf of the Town, to approve the execution and delivery of the Bond and the Financing Agreement.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Authorization of the Incurrence of Indebtedness. The Town shall borrow an amount not to exceed FIVE HUNDRED THOUSAND DOLLARS (\$500,000) by the issuance of the Bond, which together with other indebtedness of the Town does not exceed in the aggregate 75% of the assessed value of real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness and which, pursuant to Section 5.9(c) of the Charter, together with the amount of all other bonds, certificates of indebtedness, notes and other obligations of the Town issued pursuant to said Section 5.9(c) of the Charter, does not exceed \$5,000,000.

Based on the assumption that certain conditions will have been satisfied, specifically, the full completion of the Project, the entire principal amount of the loan will be forgiven after completion of the Project, with any principal amount not forgiven, should the Project not be completed, to be paid for a term equal to the construction period plus thirty (30) years. There will be no interest rate associated with this loan, and no interest will accrue during construction of the Project.

Section 2. Authorization of Issuance of the Bond. The Town shall issue, pursuant to the Charter and this Resolution, up to \$500,000 aggregate principal amount of its General Obligation Bond, Series 2017-SRF for the purpose of financing (i) the Project and (ii) the costs associated with issuing the Bond.

Section 3. Form and Terms of the Bond. The Bond shall be substantially in the Form of Bond provided in **Exhibit A** with appropriate omissions, insertions and variations. The actual Bond will contain the terms of the Bond as required by Section 5.9 of the Charter. The Bond will be issued for the aforementioned term in the event the Project is not completed at an interest rate of zero percent (0%).

Section 4. Sale of Bond. The Bond shall be sold at a private sale by negotiation to the Delaware Department of Health & Social Services, Division of Public Health, Delaware Drinking Water State Revolving Fund pursuant to the terms of the Bond and the Financing Agreement, as herein defined.

Section 5. Covenant to Pay Debt Service - Pledge of Full Faith, Credit and Taxing Power. The Town hereby covenants with the registered owner of the Bond (the Department) pursuant to this Resolution as follows: that the Town will include in its budget for each fiscal year during the life of the Bond, the amount of the debt service on the Bond issued hereunder which will be payable in each such fiscal year so long as the Bond shall remain outstanding; that the Town shall appropriate such amounts from its general revenues to the payment of such debt service; that the Town shall duly and punctually pay or cause to be paid the principal of the Bond at the dates and places and in the manner stated in the Bond according to the true intent and meaning thereof; and for such budgeting, appropriation and payment the Town hereby pledges its full faith, credit and taxing power. The covenant contained in this Section 5 shall be specifically enforceable should the Loan need to be repaid if the Project is not completed.

Section 6. Authorization of the Financing Agreement. The Mayor and the Secretary of Town Council are hereby authorized to execute and deliver the Financing Agreement by and between the Town and the Department setting forth the terms of the Loan and the Town's obligation to repay the Loan, which will be evidenced by the execution of the Financing Agreement and delivery of the Bond.

Section 7. No Paying Agent. The Town hereby determines that it is not necessary to appoint a paying agent in connection with the issuance of the Bond and declines to make such appointment.

Section 8. Further Action. The Town Officials are hereby authorized to approve or execute such other documents and to take such other actions as shall be necessary or appropriate for the issuance of the Bond, or to implement the terms of the Financing Agreement, as contemplated by Resolution 2017-3 and this Resolution of the Town.

Section 9. Charter Applicable to Bond. This Resolution is adopted pursuant to, and the Bond issued hereunder shall be subject to, the provisions of the Charter and all of the mandatory provisions thereof shall apply hereunder whether or not explicitly stated herein.

Section 10. Contract with Bondholder. This Resolution constitutes a contract with the Department as registered owner of the Bond and shall be enforceable in accordance with the provisions of the laws of the State of Delaware.

Section 11. Severability. In case any one or more of the provisions contained in this Resolution or in the Bond issued pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Resolution or of said Bond and this Resolution or said Bond shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

Section 12. Repealer. All Resolutions and parts of Resolutions heretofore adopted to the extent that the same are inconsistent herewith are hereby repealed.

Section 13. Effective Date. This Resolution shall become effective immediately upon its approval by the Town Council.

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Adopted by the Town Council of The Town of Georgetown, Delaware this 22nd day of March, 2017.

Name: William E. West
Title: Mayor

[TOWN SEAL]

Attest:

Name: Stephen M. Hartstein
Title: Secretary of Council

**Exhibit A
Form of Bond**

**REGISTERED
R-1**

\$500,000

**UNITED STATES OF AMERICA
STATE OF DELAWARE
TOWN OF GEORGETOWN**

**GENERAL OBLIGATION BOND
(KING STREET WATER TREATMENT FACILITY PROJECT)
SERIES 2017-SRF**

FINAL MATURITY DATE: _____, 20__¹

REGISTERED OWNER: Drinking Water State Revolving Fund, Delaware Department of Health & Social Services, Division of Public Health

PRINCIPAL AMOUNT: FIVE HUNDRED THOUSAND DOLLARS (\$500,000)

THE TOWN OF GEORGETOWN, DELAWARE, a municipal corporation and political subdivision of the State of Delaware (hereinafter referred to as the “Town”), for value received hereby acknowledges itself indebted and promises to pay, as hereinafter set forth if necessary, to the DRINKING WATER STATE REVOLVING FUND, or to any other registered owner hereof, the principal sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) or so much thereof as shall actually be advanced to the Town by the Drinking Water State Revolving Fund, acting by and through the Delaware Department of Health & Social Services, Division of Public Health (the “Department”) pursuant to the Financing Agreement dated _____, 2017 (the “Financing Agreement”) between the Town and the Department.

The Bond is being issued in order to provide funds to finance all or a portion of (i) the additional construction costs of necessary upgrades and improvements to the Town’s existing King Street Water Treatment Facility, as more fully described in Exhibit A to the Financing Agreement (collectively, the “Project”) and (ii) the costs of issuing the Bond.

This Bond bears no interest or administrative fee. The Town has agreed to complete the Project by _____, 20__, at which time the Town will have fulfilled its obligation under this Bond. Upon completion of the Project, the entire principal amount advanced to the Town and outstanding will be forgiven by the Department. Since there is no interest rate associated with this loan, no interest will accrue during construction of the Project.

¹ Should repayment become necessary.

Should the principal amount advanced and outstanding not be forgiven as a result of non-completion of the Project, such outstanding principal amount will be payable in full immediately following the third (3rd) anniversary of the date of closing of the loan (_____, 2020) (herein referred to as the "Amortization Start Date"). After the Amortization Start Date, principal shall be payable on the outstanding principal amounts drawn hereunder semiannually, on each _____ and _____ (each, a "Payment Date"), commencing on the Payment Date next succeeding the Amortization Start Date and continuing on each of the next 59 following Payment Dates, in an amount sufficient to amortize all principal drawn with substantially equal semiannual payments of principal over thirty (30) years.

If by _____, 2018, which is one year from the date of Closing, (i) the Town has not drawn down the principal amount of this Bond by more than ten percent (10%) of the Project costs, and (ii) the Department has not received a Notice to Proceed as required by the Financing Agreement, the Department may in its discretion assess a penalty of one percent (1%) of the total principal amount authorized by this Bond (the "Penalty"). Such Penalty may be drawn by the Department from the principal amount allocated to this Bond. It is within the Department's complete discretion whether to impose the Penalty based upon its review of affirmative steps taken by the Town to complete the Project and the totality of the circumstances surrounding any such delay in making draws on the principal amount of this Bond.

Notwithstanding the foregoing, all unpaid principal shall be paid in full on the Final Maturity Date. The principal of this Bond is payable in lawful money of the United States of America. Principal of this Bond shall be paid by check or draft mailed or remitted electronically on the payment date to the Registered Owner, as shown on the books and records of the Town.¹

This Bond is authorized and issued pursuant to the Laws of the State of Delaware, including Section 5.9, 65 Del. Laws Ch. 276, as amended, resolutions adopted by the Town on February 22, 2017 and March 22, 2017 and a public hearing held on March 8, 2017.

At the option of the Town and upon providing prior written notice to the Registered Owner hereof, as shown on the books and records of the Town, this Bond may be prepaid or redeemed in whole or in part, without penalty, at any time, and any prepayment in part of this Bond shall be applied to all or a portion of the principal installments then outstanding as shall be specified by the Town.¹

It is hereby certified and recited that all conditions, acts, and things required by the Constitution, statutes or laws of the State of Delaware to exist, be performed or happen, precedent to or in the issuance of this Bond, do exist, have been performed and have happened, and that the amount of this Bond, together with all other indebtedness of the Town, is within every debt and other limit prescribed by said Constitution, statutes or laws. This Bond is a valid and legally binding general obligation of the Town and, unless paid from other sources, the principal payable hereon will be paid from ad valorem taxes levied upon all real property subject to taxation by the Town. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of this Bond according to its terms.¹

¹ Should repayment become necessary.

This Bond may be transferred by the Registered Owner hereof in person or by its attorney duly authorized in writing. The Town may deem and treat the Registered Owner as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and for all other purposes.

The provisions of this Bond shall be construed and enforced under the laws of the State of Delaware.

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IN WITNESS WHEREOF, The Town of Georgetown has caused this Bond to be signed by the Mayor and attested by the Secretary of Town Council, and the official corporate seal of the Town to be imprinted or impressed hereon, and this Bond to be dated _____, 2017.

(TOWN SEAL)

THE TOWN OF GEORGETOWN, DELAWARE

By: _____
William E. West
Mayor

Attest:

Stephen M. Hartstein
Secretary of Town Council

[END OF FORM OF BOND]

CERTIFICATE OF SECRETARY

The undersigned, Secretary of the Town Council of The Town of Georgetown, HEREBY CERTIFIES that:

The foregoing Resolution authorizing the issuance of General Obligation Bond, Series 2017-SRF of the Town was duly moved and seconded and adopted by a majority vote of the Town Council of said Town at a duly called and convened public meeting of said Board held on March 22, 2017; and that the roll of the Town Council was called and such members voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
William E. West, Mayor	
Stephen M. Hartstein	
Rebecca Johnson-Dennis	
Chris Lecates	
Robert Holston	

and that such Resolution and the votes thereon have been duly recorded in the minutes.

WITNESS my hand and seal of the Town this 22nd day of March, 2017.

Stephen M. Hartstein
Secretary of Town Council

(TOWN SEAL)