

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, November 16th, 2016
Location: Old Courthouse, 10 South Bedford Street, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

7:00 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of October 26th, 2016 Town Council Minutes
5. 2016-05 Rezone Application
6. Proclamation
 - A. Diabetes Awareness Month
7. Parking Ticket Appeal
8. 2nd Reading & Adoption of Ordinances
 - A. Ordinance #2016-10 Peace and Good Order – Vehicle Repossession
 - B. Ordinance #2016-11 Downtown Development District Incentives
9. Departmental Reports
 - A. Town Manager – Gene Dvornick
 - B. Director of Public Works – Bill Bradley
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).



Town of Georgetown Review Application

Check Type of Review Requested	Copies
<input type="checkbox"/> Category II Plan Review	5
<input type="checkbox"/> Category I Site Plan - Preliminary	11
<input type="checkbox"/> Category I Site Plan - Final	8
<input type="checkbox"/> Conditional Use	18
<input type="checkbox"/> Historic Review	8
<input type="checkbox"/> Subdivision/RPC Review - Conceptual	11
<input type="checkbox"/> Subdivision/RPC Review - Preliminary	18
<input type="checkbox"/> Subdivision/RPC Review - Final	18
<input type="checkbox"/> Utility Review	2
<input checked="" type="checkbox"/> Zoning Amendment	18
<input type="checkbox"/> Other:	

All packages to include number of copies shown:

- Review Application
- Plans / Prints
- Supportive Materials
- One PDF of Site Plan

Note: One 11 x 17 copy of complete site plan to be provided with application packages.

Property Information	
Sussex County Tax Map/Parcel:	1-35-19 Parcel 12.2 and 1-35-19 Parcel 12.3
Project Location:	Northwest corner of Routes 113 and 9
Property Size/Dimension:	+/- 30 acres
Project Title/Name:	Georgetown Marketplace
Current Zoning District:	UB-1
Proposed Zoning (if applicable):	HC
Current Property Use:	Vacant Land
Proposed Property Use:	Retail Commercial

Current Property Owner Information	
Current Owner Name:	Georgetown Crossing, LLC
Phone Number:	302-656-4000 x1
Fax Number:	302-656-4396
Email Address:	aperry@montdevco.com
Mailing Address:	911 Tatnall Street
City, State, Zip Code:	Wilmington, DE 19801

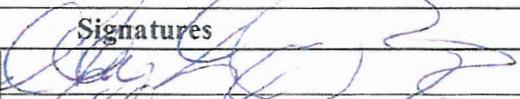
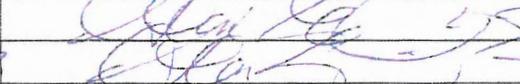
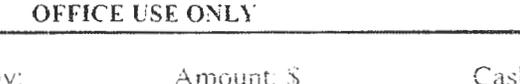
Engineer / Surveyor Information	
Company Name:	G. T. Cuppels, LLC
Contact Name:	Gary Cuppels
Phone Number:	302-236-6598
Fax Number:	302-236-6598
Email Address:	kkullman_eng@yahoo.com
Mailing Address:	26650 Carlisle Road
City, State, Zip Code:	Millsboro, DE 19966

Developer Information	
Company Name:	Montchanin Development Group
Contact Name:	Alan Perry
Phone Number:	302-656-4000 x1
Fax Number:	302-656-4396
Email Address:	aperry@montdevco.com
Mailing Address:	911 Tatnall Street
City, State, Zip Code:	Wilmington, DE 19801

Designated Primary Contact	
Contact Name:	Alan Perry
Phone Number:	302-656-4000 x1
Fax Number:	302-656-4396
Email Address:	aperry@montdevco.com
Mailing Address:	911 Tatnall Street
City, State, Zip Code:	Wilmington, DE 19801

Please read and certify the following:

1. I have supplied all the information listed on this form and that statements contained in any papers or plans submitted as part of this application are true and correct.
2. This project was designed in accordance with the plan requirements in the Comprehensive Plan, Zoning Code, Design Standards as well as the Construction Standards for the Town of Georgetown.
3. I, or an agent on my behalf, will attend all public hearings/meetings necessary for this project in order to answer any questions to the best of my ability in respect to the present and future needs, health, safety, morals, convenience, order, prosperity and general welfare of the inhabitants of Georgetown.
4. I understand that any incomplete applications will not move forward in the review process and I will be notified in writing after a thorough review has been completed by the Planning Department.
5. It is understood that the Planning Department processes all applications in the order in which they were received. Each application will continue in the process once eligibility and the appropriate reviews have been completed.
6. I understand that only the designated primary contact listed on this application will receive any and all review comments, meeting information and correspondence to and from the Town of Georgetown.
7. I understand that the Engineer will be billed for the professional services rendered from the Town Engineer and/or the Town Solicitor, as required for my application, unless I notify the Town Planning Department in writing advising otherwise.

Signatures	
Designated Primary Contact	
Developer	
All Current Property Owners	
Parcel - 135 1900 12 02	
Parcel - 135 1900 12 03	
Parcel -	

OFFICE USE ONLY			
Date Received: _____	Received by: _____	Amount: \$ _____	Cash Check #: _____



Montchanin Development Group, Ltd.

911 Tatnall Street
Wilmington, DE 19801

July 26, 2013

Jocelyn Godwin
Planning Administrator
Town of Georgetown
39 The Circle
Georgetown, DE 19947

Re: Tax parcel numbers 135-19.00-12.02 & 12.03

Dear Ms. Godwin:

Enclosed is an application for rezoning the above referenced parcels from UB1 to Highway Commercial (HC). We respectfully request that the Planning Department and the Planning Commission review this request and issue a positive recommendation to Council.

As you are aware, these two parcels are some of the very few commercially zoned parcels along Route 113 within the Town limits which are not zoned HC. A zoning change to HC would be consistent with the character of the surrounding properties. Furthermore, a change to an HC zoning category is consistent with the Town's Comprehensive Plan.

Located at the intersection of two of the town's major thoroughfares, these parcels warrant a zoning that permits roadside commercial consistent with the surrounding properties and the Town's comprehensive plan. As you and the Planning Commission are aware, we intend to develop these parcels as five retail pad sites and ultimately plan to build a retail shopping center behind the pad sites. An HC zoning would permit us to accommodate a wider range of tenancies and bring new retailers to the area further enhancing retail options to local residents.

If after review, you have any questions or concerns, please give me a call and we would be happy to arrange for a conference call or meeting at a mutually convenient time.

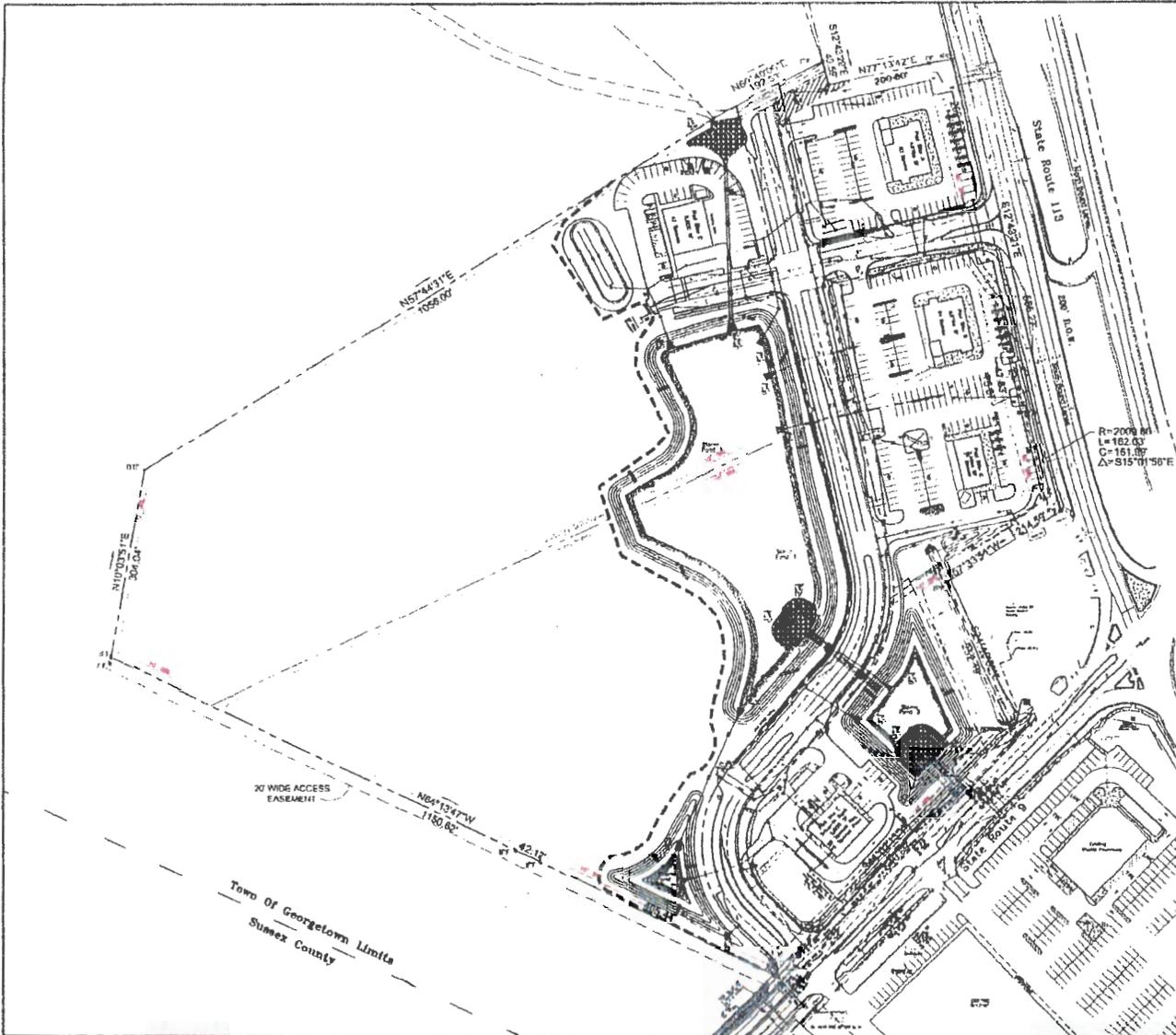
Sincerely;

A handwritten signature in black ink, appearing to read 'Alan L. Perry', is written over a faint, circular stamp or watermark.

Alan L. Perry
Member; Georgetown Crossing, LLC

Real Estate Development & Consulting

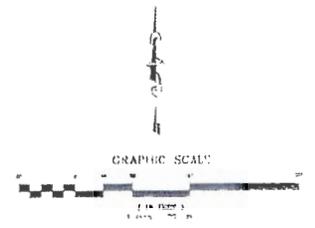
Telephone: 302-656-4000 • Facsimile: 302-656-4396



- LEGEND**
- Proposed Road
 - Existing Road
 - Proposed Building
 - Existing Building
 - Proposed Parking
 - Existing Parking
 - Proposed Utility
 - Existing Utility
 - Proposed Easement
 - Existing Easement



LOCATION MAP
Scale: 1" = 1 Mile



General Site Data

Project Name: LANDS OF GEORGETOWN CROSSING, LLC
 Project No.: 12.02 & 12.03
 Date: 12/18/18
 Prepared by: G. T. CUPPERS, LLC
 Checked by: G. T. CUPPERS, LLC
 Drawn by: G. T. CUPPERS, LLC
 Scale: AS SHOWN
 Project No.: 12.02 & 12.03

I, G. T. Cuppers, P.L.C., being duly qualified and sworn in as a Registered Professional Land Surveyor in the State of Delaware, do hereby certify that the foregoing is a true and correct copy of the original survey and plan as shown on the attached sheets, and that the same were prepared by me or under my direct supervision and that I am a duly licensed and sworn Surveyor in the State of Delaware.

G. T. CUPPERS, P.L.C.
2440 DICKENS BLVD.
DEWES, DE 19829
302.226.8888

#	REVISION	DATE	CHKD.

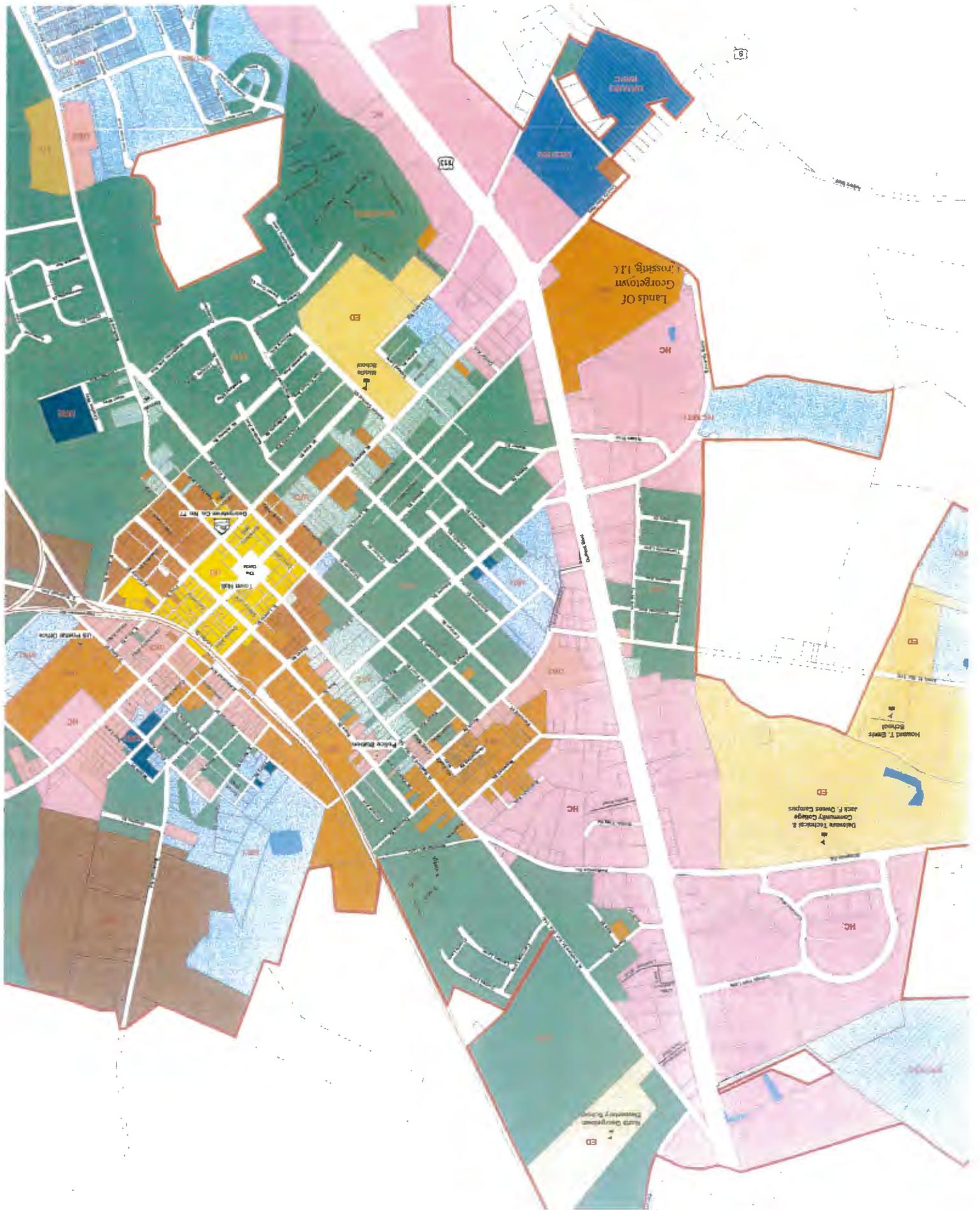
LANDS OF GEORGETOWN CROSSING, LLC
GEORGETOWN HUNDRED
SUSSEX COUNTY, DELAWARE
 TAX MAP 1-35-19.00 PARCELS 12.02 & 12.03

REZONING PLAN

G. T. CUPPERS, LLC
 REGISTERED PROFESSIONAL LAND SURVEYOR
 OF (No. 882, NJ 17) IN THE 570440, PA Lic. No. 179787, MD Lic. No. 171749

31816 CARVER ROAD
 WILMINGTON, DELAWARE 19804
 Phone/Fax: (302) 334-0700

DESIGNED BY: MC	PREPARED BY: MCK	JOB # 09-038
DRAWN BY: KAK	DATE: July 2018	
CHECKED BY: DIC	SCALE: AS SHOWN	SHEET RZ-1



TOWN OF GEORGETOWN - PLANNING COMMISSION

Draft Meeting Minutes September 21, 2016

ATTENDANCE

Commissioners

Gary Tonge

Sue Barlow

Linda Dennis

John Painter

Bob Ricker

Staff

Jocelyn Godwin, Planning

Tim Willard, Solicitor

Jamie Craddock, Planning

1. CALL MEETING TO ORDER

Commissioner Tonge called the meeting to order in the Town Hall at 6:00 p.m.

2. APPROVAL OF JULY 20, 2016 MEETING MINUTES

Commissioner Ricker moved, seconded by Commissioner Dennis, to approve the July 20, 2016 regular meeting minutes as presented. **APPROVED** (4-years, 1-abstain)

3. PUBLIC HEARING: Rezone Application CASE #2016-05

An application by Alan Perry, with Montchanin Development Group, on behalf of Georgetown Crossing, LLC, for an official zoning map amendment from Urban Business (UB1) to Highway Commercial (HC). The properties are located at the Northwest corner of Routes 113 and Route 9, Georgetown, DE identified as Sussex County Tax District 135 Map 19.00 Parcel 12.02 & 12.03.

Gary Cuppels presented the application, on behalf of the applicant. Also in attendance is Alan Perry and Ken Kullman. The applicant is requesting rezoning for two parcels from UB1 to HC. The parcels were pointed out on the Town's Zoning Map. The Comprehensive Plan mentions a demand for commercial services, ability of the Town to provide water and sewer. The plan states it is looking for large scale commercial development along Rte 404, Rte 9 and Rte 113. The property is on the corner of Rte 9 and Rte 113. The Marketplace plan is a mixed use commercial facility.

The applicant stated that the HC zoning allows for more flexibility. Some of the uses within Highway Commercial were reviewed. The surrounding parcels along Rte 113 are zoned HC. The applicant's intention is to be a retail commercial facility. It is the right location for commercial development in this nature in accordance with the Comprehensive Plan. They are very close to getting their approval from DelDOT for the project. The rezone would eliminate the reverse spot zoning. The entire corridor is HC except for three parcels. It would provide equity of zoning to the applicant.

The Commission discussed the history of the parcel and why the zoning was UB1. The current zoning would have been determined at the time the property was annexed, as requested.

Mr. Willard addressed questions from the Commission regarding a letter received from an adjoining property owner. If the applicant for the change of zone owns the property, then the adjacent property owner should have a legal reason to cause the Commission to not make a decision. If there is some separate contractual relationship between them, the Town does not have a dog in that fight. The application tonight is for change of zone, to determine whether it is consistent with the Comp Plan and fits the purpose of the zoning.

The Commission asked the applicant to address the need for the expansion of permitted uses in HC. The applicant stated that it would be easier to state what isn't in their project. The applicant has preliminary plan approval, working on final approval for Georgetown Marketplace. It will not be a rooming house. It will be a commercial center. It will not be a hospital or school. The flexibility is wanted.

Concern was expressed regarding the applicant's past requests for adjustments to their plan and the impact of cost efficiency over safety.

Chairman Tonge opened the public hearing for comments. No one in attendance had comments either for or against the application.

A letter was received from Clarmar Realty, owners of adjoining properties, and read into the record. The issue referenced in the letter was addressed at the Planning Commission meeting reviewing the preliminary plan. The situation is a legal issue between the property owners.

Chairman Tonge closed the public hearing.

Commissioner Barlow moved, seconded by Commissioner Dennis, to recommend APPROVAL of the application to Town Council. APPROVED (YEAS – 4, NAY – 1)

Commissioner Painter – No, as expressed previously.

Commissioner Dennis – Yes,

Commissioner Ricker – Yes, One of properties with concerns is not in Town limits, trusting that the applicant will resolve their issue regarding a deed restriction and the project is a good one.

Commissioner Barlow – Yes, agree with Bob it will be a good project and does not like spot zoning.

Chairman Tonge – Yes, the zoning change is appropriate based on the HC being all the way down Rte. 113, the property is located on a major east/west and north/south corridor, it agrees with our Comp Plan and the adjacent properties are zoned HC.



**Proclamation
For
Diabetes Awareness Month**

Whereas, nearly twenty-six million Americans have diabetes, a serious disease that has no cure, with someone diagnosed with type 1 diabetes every 35 seconds; and

Whereas, type 1 diabetes is an autoimmune disease that strikes children and adults suddenly and lasts a lifetime, requiring them to take multiple injections of insulin daily or continually infuse insulin through a pump; and

Whereas, one of the most significant risk factors for type 2 diabetes is obesity, those at risk of developing type 2 diabetes can reduce their chances of developing the disease by engaging in regular physical activity, maintaining a healthy weight and making nutritious food choices; and

Whereas, with more and more people becoming affected by diabetes every day, we must work together to better prevent, manage, and treat this disease; and

Whereas, an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before developing the disease and its devastating complications; and

Whereas, with more than \$1.5 billion allocated to research since 1970, the Juvenile Diabetes Research Foundation is the worldwide leader in research funding for type 1 diabetes, and is committed to improving the lives of those with diabetes today and in the future.

THEREFORE, I, William E West, by virtue of the authority vested in me as Mayor of the Town of Georgetown do hereby proclaim November as:

Diabetes Awareness Month

in the Town of Georgetown, Sussex County, Delaware and urge all residents to give full support to efforts enabling people with diabetes to live full and productive lives.



In Witness Whereof, I have hereunto set my hand and caused the Seal of this town to be affixed this 16th day of November, 2016.

William E West, Mayor

TOWN OF GEORGETOWN

MAYOR
AND
COUNCIL



TOWN HALL
39 THE CIRCLE
GEORGETOWN, DE
19947

October 5, 2016

Ms. Sonya Simpler
1200 Magnolia Drive, # 1206
Delmar, DE 19940

RE: Appeal – Parking Ticket # 5010005898

Dear Ms. Stalworth,

This letter confirms receipt of your Parking Violation Appeal Form submitted on September 26, 2016 regarding the parking ticket issued on September 26, 2016 for parking overtime and the associated \$20.00 fine.

After review and consideration of the reason for appeal, your request is ***denied*** and the violation remains in effect.

Should you disagree with this decision, Georgetown Town Code § A240-17(3) allows for an appeal directly to the Town Council, which provides you with an opportunity to present your case.

Should you choose to appeal this decision please contact Town Hall, at (302) 856-7391, to be placed on the next regular Town Council Agenda. Otherwise, the original fine remains in effect and due within seven (7) days of this notice. Failure to pay the fine as indicated will result in additional penalties being assessed.

Sincerely,

TOWN OF GEORGETOWN

Eugene S. Dvornick, Jr.

Eugene S. Dvornick, Jr.
Town Manager

cc: Stephani Ballard – Town Solicitor
RL Hughes – Chief of Police
Elaine Reynolds – Meter Attendant



ORDINANCE 2016-10

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 157 THEREOF, ENTITLED PEACE AND GOOD ORDER

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND
HEREBY ORDAINS:

Section 1. Chapter 157 of the Code of the Town of Georgetown is hereby amended
by adding the following:

Article IV. Vehicle Repossession

§ 157-9. Notice to Law Enforcement for Motor Vehicle Repossession.

A merchant who repossesses motor vehicle collateral or goods subject to a motor vehicle consumer lease, or a person who repossesses such collateral or goods on behalf of the merchant, shall notify the Georgetown Police Department in writing about any planned repossession. The notification shall include the names of the customer, merchant, and, if applicable, the person who repossesses the collateral or goods on behalf of the merchant. The notification shall also include a description of the collateral or goods. Notification under this subsection shall be made before, no less than 24 hours prior to the repossession.

§ 157-10. Additional requirements.

Vehicle repossession on Sundays shall be prohibited.

§ 157-11. Violations and penalties.

Any person violating any provision of this article shall be subject to a fine of \$1000.

Section 2. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

BE IT ENACTED by the Town Council of the Town of Georgetown, Delaware on the _____ day of _____ A.D., 2016.

William E West, Mayor

Steve M Hartstein, Secretary

1st Reading: October 26, 2016

2nd Reading: November 16, 2016

Adoption: November 16, 2016

DRAFT



ORDINANCE 2016-11

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CREATING APPENDIX CHAPTER A250, ENTITLED DOWNTOWN DEVELOPMENT DISTRICT INCENTIVES

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND
HEREBY ORDAINS:

Section 1. The Code of the Town of Georgetown is hereby amended by adding the
following:

ARTICLE I. Intent

The Town Council has deemed it to be in the best interests of the residents of the Town and in furtherance of their health, safety, and welfare to promote the renovation, utilization, development, and redevelopment of parcels within the Designated Downtown Development District. In order to promote this the Town Council has determined that incentives, including, but not limited to, tax abatements, impact fee waivers, and building permit waivers should be offered.

ARTICLE II. ELIGIBILITY.

Section 1 – Eligible project.

Project means any project to construct, remodel or reconstruct any buildings or structures, or any portion of any of such buildings, structures, within the boundaries of the Designated Downtown Development District, as approved by the Cabinet Committee on State Planning Issues on October 5, 2016 and as modified from time to time.

Reconstruction means alterations or repairs made to a structure within any twelve-month period.

Section 2. – Incentive ineligibility.

An otherwise eligible project shall be ineligible for Downtown Development District incentives if:

(a) An application for a building permit for the project was filed prior to the effective date of this ordinance; or

(b) Construction or renovation commenced prior to the effective date of this ordinance; or

(c) Issuance of the certificate of occupancy and/or the completion and finalization of the building permit occurs before the application for Downtown Development District incentives is received; or

(d) Construction or renovation commenced prior to the issuance of a building permit by the Town of Georgetown; or

(e) The beneficiary of the incentives is delinquent on any of the obligations due the Town of Georgetown.

Section 3. - Revocation of eligibility.

The beneficiary of the incentives provided by this Appendix must remain current on all obligations due the Town. If, at any time after the incentives have been granted, the beneficiary of the incentives becomes delinquent on any Town obligations, the Town Manager shall revoke the eligibility for any portion of the incentives not yet received by the beneficiary. Notice shall be given to such beneficiary in writing.

ARTICLE III - INCENTIVES

Section 1 – Property tax increase phase in.

All projects will be afforded a phase in for the incremental increase in the Town of Georgetown property tax due as a result of the improvement. The phase in will be ten percent (10%) year one, and increase by an additional ten percent (10%) each year until year ten.

Section 2 – Business license fee waiver

The annual Town of Georgetown Business License Fee will be waived for the first five (5) years in operation (new businesses only). An annual business license application will be required and kept on file. Annual business licenses shall be issued by the Town.

Section 3 – Accelerated development review process

Projects confirmed by the Town Manager and Town Engineer to be in compliance with Town of Georgetown Codes will be administratively approved.

Section 4 – Building permit fee reduction

All projects will be eligible for a reduction in the Building Permit Fee based on the value of the improvement. The reduction amount ranges from a minimum of fifteen percent (15%) to a maximum of seventy five (75%).

Value of Improvement Greater Than or Equal to	But No More Than	WAIVER
\$ 300.00	\$ 1,000,000.00	15%
\$ 1,000,000.01	\$ 2,000,000.00	30%
\$ 2,000,000.01	\$ 3,000,000.00	45%
\$ 3,000,000.01	\$ 4,000,000.00	60%
\$ 4,000,000.01		75%

Section 5 – Emergency Services and Georgetown Recreation, Education, and Arts Trust Fund fee reduction

All projects will be eligible for a 50% reduction in the Emergency Services and Georgetown Recreation, Education and Arts Trust Fund Fee. This fee is based on the value of the new construction cost and is a sliding scale as outlined in Chapter 98 – Fee, § 98-6 Licenses and Permit.

Value of Improvement	Emergency Services Fee	GREAT Fund Fee	Fee WAIVER
Less than \$99,999	0.10%	0.10%	50%
\$100,000 to \$499,999	0.30%	0.30%	50%
Over \$500,000	0.50%	0.50%	50%

Section 6 – Impact fee (Water & Sewer) reduction

All Projects of a commercial nature will be afforded a twenty percent (20%) reduction in water & sewer impact fees at time of building permit issuance.

Projects of a mixed use (commercial/residential) nature will be afforded a thirty-five percent (35%) reduction in water & sewer impact fees at time of building permit issuance.

Fee calculation is based on one (1) initial EDU, per unit, with additional EDU's being calculated at the end of the first twelve (12) months in operation.

Impact fees (water and sewer) shall be as outlined in Chapter 98 – Fee, § 98-5 Utility Services.

Section 7 – Sign, Façade, and Awning Grant

All Projects shall be eligible to participate in the Town of Georgetown Sign, Façade, and Awning Grant program.

ARTICLE IV. - ADMINISTRATION

The Town Manager and his staff shall develop the administrative procedures necessary to implement this ordinance. The Town Manager and his staff shall promulgate reasonable standards to be used in determining which incentives an eligible project shall receive. Applicants shall be notified in writing of the actions taken on their applications.

ARTICLE V. – EFFECTIVE DATE

This ordinance became effective November 16, 2016. The provisions of this ordinance shall no longer apply after November 15, 2026.

Section 2. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

BE IT ENACTED by the Town Council of the Town of Georgetown, Delaware on the _____ day of _____ A.D., 2016.

William E. West, Mayor

Steven M. Hartstein, Secretary

1st Reading: October 26, 2016

2nd Reading: November 16, 2016

Adoption: November 16, 2016

DRAFT