

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, August 28, 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

6:45 P.M. PUBLIC HEARING

An application by Clara Evans, for Conditional Use approval to operate a hair salon from her single family home. The property is located at 26 Bridgeville Road identified as Sussex County Tax District 135 Map 14.15 Parcel 31.00 zoned UR1 (Urban Residential).

In Favor:

Deborah E Melvin, Sandhill Rd, Georgetown: Has known the applicant for approximately 15 years, doesn't know of anything that would hinder her business. Mayor Wyatt asked Ms Melvin if she was aware of any problems with parking, Ms Melvin was not aware of any.
Nancy Gibbs Jordan, Sandy Lane, Lewes: Has been going there for approximately 12 years, never any problems, never overcrowded, never have to wait long.
Regina Mackey, Millsboro: Has been going to Ms Evans for many, many years, she knows of no problems with parking.

In Opposition:

No one spoke.

Councilperson Dennis asked for the history behind this business and why after being in operation for 10 years, it's before us now.

Town Manager stated that Shades of Beauty was notified about obtaining a business license, when the applicant came in it was discovered that the Town did not have any record of her business. A beauty shop in a single-family home is not a permitted use in a UR-1 District. The applicant was then asked to come before Council for a Conditional Use.

Councilperson Dennis asked about standard procedures with businesses that have been in operation that have not obtained a business license, in terms of past revenue.

Town Manager stated that in instances that they have failed to secure a business license, or failed to apply for one, or have just ignored obtaining a business license, we have tried to collect what was due the Town. If it's an in-home business, short of the Code Enforcement Officer noticing something or the owner coming in the Town we may not know they exist.

Councilperson Dennis asked what the financial impact of going retroactive when she should have obtained a license.

Town Manager stated that according to the schedule going back to 2003 through 2012 the impact would be \$661.00.

Councilperson Dennis asked if there were other situations that were required to pay those late fees.

Town Manager stated that most recently identified as delinquent was Case# 2010-25 Isaiah Thomas Baker, who was operating two businesses.

Town Solicitor asked if this prior person had been put on notice or sent bills on delinquency.

Town Manager stated that from the minutes this person had received delinquent notices.

Town Solicitor asked the applicant when she was first told that she needed a business license from the Town.

Clara Evans stated that when she first set up her business she went to FSCAA for help and they never told her about getting a license or to come to Town Hall for a license. She has always had the required state licenses, but not a Town license.

Town Solicitor stated that the circumstances would be different if she had been put on notice of needing a business license, but she had not.

Clara Evans stated that she had done everything that she was told to do by FSCAA, but did not know or was told about a Town license.

Councilperson Dennis was not clear on the discussion about retroactivity of the business license fees, if this is going to be an exception or requires clarification of the existing policy, and then perhaps we need to promulgate something that is known to everyone. I would like to see at what point a business owner would have to comply with retroactivity of business licenses or failure to apply versus a situation where that may not be the case. What are the circumstances that would separate the other. This is very unclear to me.

Town Solicitor stated that it was not a delinquency unless the person is placed on notice that they owe it. How clear is it to somebody in Georgetown that you need to come to Town Hall and get a business license. You could possibly put it on the website or use some other way of notifying business owners of needing a business license.

Councilperson Dennis stated that was what she was saying, we need to all understand that and know what the circumstances are. I would encourage that.

Councilperson West voiced concerns with the tight parking of 3 vehicles; his greatest concern was with safety on that highway. The applicant assured Councilperson West that parking was not an issue with her because of appointment only clientele. The applicant stated that she has backed in her elderly clients cars making it easier for them when they leave.

Councilperson Hartstein believes that she has done everything right and honestly believes that she did not know about a license and should not be penalized for not having one.

Clara Evans stated that she did not even know about having to have a Town permit for electrical work. Her dad had previously done all the work for her and since moving out of Delaware she hired a contractor to do some work and that's how it all happened.

Town Manager reiterated that Chapter 130, Licensing of Businesses, states that a business license is required to do business in the Town of Georgetown, in-town and out of town businesses along with the number of employees, with fees in Chapter 98. A DelDOT Letter of no Contention was received along with State Fire Marshal's Office approving the project.

Councilperson Dennis voiced concern about a clear distinction between this situation if it should occur in the future and with someone willingly who does not seek a business license. It should be made very clear to the public.

Town Manager made notes to properly advertise on an annual basis with respect to business licenses.

Mayor Wyatt stated that the application was scheduled for the September 11th Town Council meeting, at which time a final decision will be made, leaving the record open for written comment. At that time Council will be able to make any stipulations on the Conditional Use. Mayor Wyatt recommended that no walk-ins be allowed for safety reasons.

7:05 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 Dennis, seconded by Councilperson Hartstein, to adopt the agenda as presented. **APPROVED (unanimous).**

4. APPROVAL OF AUGUST 14, 2013 TOWN COUNCIL MINUTES

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

5. PUBLIC WORKS AGREEMENT – SHOPS AT COLLEGE PARK RETAIL

Public Works Agreement defines specific improvements and costs, standards, and requirements required by the Town. The developer shall provide a completion guaranty, which shall be equal to 150% of the required improvements. The developer shall submit a written one (1) year guaranty and maintenance bond prior to the release of the completion guaranty. The amount shall be 10% of the amount of the completion guaranty.

Motion by Councilperson Barlow, seconded by Councilperson Hartstein, to approve the presented Public Works Agreement - Shops at College Park Retail. **APPROVED (unanimous).**

“The Public Works Agreement is incorporated as part of the minutes.”

6. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Downtown Merchant Association

The “Georgetown Merchant and Business Survey” has been completed by nine (9) businesses. We are now conducting face-to-face visits to complete the surveys.

Fountain Brickwork

Brickwork on the fountain started on Monday, August 26th. Due to the wrong capstone size, completion may be delayed until the end of this week or early next week.

Traffic Pattern Change – Sussex Central Drive

The Indian River School District has been working with the Georgetown Police Department with respect to traffic flow at the Georgetown Elementary/Middle School and an anticipated higher volume of traffic due to increased enrollment. The parking lots are planned to be restriped and parent dropping students off will be requested to turn right on Sussex Central Drive when exiting and utilize Grammar Avenue & Primary Avenue to return towards West Market Street.

Primeros Pasos

Dave Baker has provided an update on the Primeros Pasos. The total required funding for their project is \$1.3 million dollars (which includes \$450,000 in sustainability funding). To date, they have secured \$495,000 in grant contributions (detail provided). A copy of the Capital/Sustainability Campaign presentation has been provided for your review.

Sewer Request – County Club Estates

The County has been approached by Country Club Village requesting expansion of the Golf Village Sewer District to include their community. Golf Village is served through the Georgetown treatment plant for treatment and disposal and Country Club Village would need to be served in the same manner. Before committing funds to

study the request they are asking if the Town is willing to expand that district. Councilperson Barlow and Councilperson Dennis voiced concerns with limitations on our current system now, without putting a burden of additional customers on it. Recommended keeping the current reserve for taxable properties that might come into Town or things that might benefit the residents.

Motion by Councilperson Dennis, seconded by Councilperson Barlow, to deny the sewer expansion request at this time. **APPROVED (unanimous)**.

Miscellaneous

- FOP Contract Negotiations continue – we have had three (3) meetings, our next meeting is scheduled for September 10th
- Service Anniversaries

<u>Employee</u>	<u>Department</u>	<u>Years</u>
Chief Topping	Police Department	15
Rick Hudson	Public Works	15
Jamie Craddock	Planning Department	8

7. PUBLIC COMMENT

Councilperson Barlow commented on her Ward walk around with the Town Manager and Jamie Burk, Code Enforcement Officer, the improvements are amazing. Jamie Burk is doing an excellent, excellent job with Code Enforcement.

Councilperson Dennis agreed with Councilperson Barlow in regards to Jamie Burk. Councilperson Dennis also voiced concerns with enforcement of the Yard Sale Ordinance, sales are still occurring on the Little League property. Councilperson Dennis asked about the possibility of the Police Department policing that area when they cruise East Market Street to help disperse those individuals. Mayor Wyatt suggested that perhaps a letter (warning) in Spanish and English is available for these people. Councilperson Dennis stated that this is the only way to enforce this ordinance. The Town Manager said he would also contact the property owner (Georgetown Square) with a copy of the ordinance and request they place signs.

Town Clerk updated Council with status of the Concerts in the Park. Final concert is on September 24th with the Funsters. The committee was \$400.00 shy of their grant of \$2,500 for all three concerts, thanks to Linda Price from Fulton Bank, the difference will be sponsored by Fulton Bank. The committee plans on meeting in January to begin getting sponsors for next year's concerts. The Town Clerk also thanked the Public Works Department for all their help with the concerts.

Town Manager reminded Council of the Workshop scheduled for Tuesday, September 3rd from 6pm to 8pm at the Carpenters Union Training Center.

8. EXECUTIVE SESSION

The Town Council will meet in Executive Session for discussion of a personnel matter on which the name, competency and ability of an individual employee is discussed.

Motion by Councilperson Barlow, seconded by Councilperson Dennis, to adjourn to Executive Session at 7:32p.m. **APPROVED (unanimous)**.

Executive Session exited at 8:10p.m.

9 ADJOURNMENT

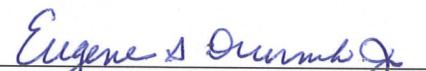
Motion by Councilperson Barlow, seconded by Councilperson West, to adjourn at 8:11p.m. **APPROVED (unanimous).**

APPROVED:



Steve M Hartstein, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager