

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, June 26, 2013
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

PRESENT:

Mike Wyatt, Mayor
Steve M Hartstein, Ward One
Bill West, Ward Three
Linda Dennis, Ward Four

STAFF PRESENT:

Eugene S Dvornick, Jr, Town Manager
Angela Townsend, Town Clerk

ABSENT:

Sue H Barlow, Ward Two

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

Item #4A SPECIAL PRESENTATION was added.

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

4. APPROVAL OF JUNE 12, 2013 TOWN COUNCIL MINUTES

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

4A. SPECIAL PRESENTATION

Mayor and Council presented David A Pedersen and Robert Robinson Jr with an appreciation award recognizing their years of service to the Planning Commission.

5. PROPOSED ZONING AMENDMENT – 16 MILE BREWERY/KGB PROPERTIES – CASE #2013-8

An application by The Town of Georgetown, for an official zoning map amendment from Neighborhood Business (UB2) to Light Industrial (LI1) for the property located at 413 South Bedford Street, Georgetown, DE identified as Sussex County Tax District 135 Map 20.00 Parcel 50.00.

The property currently is operating under an approved Conditional Use, the Town would like to rezone the property to allow the brewery to expand.

The Town Council should consider the recommendation of the Planning Commission for approval from UB2 (Neighborhood Business) to LI1 (Light Industrial) zoning district for the property identified as Sussex County Tax Map 135-20 Parcel 50.00.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to approve the zoning amendment for Case #2013-8 from UB2 to LI1 for the property identified as 1-35 20.00 50.00. **APPROVED (unanimous).**

A. ORDINANCE #2013-12 AMEND ZONING MAP – 16 MILE BREWERY
Ordinance #2013-12 amends the zoning map to reflect the zoning change.

Motion by Councilperson Hartstein, seconded by Councilperson West, to adopt Ordinance #2013-12 Amend Zoning Map – 16 Mile Brewery. **APPROVED** (unanimous).

6. PRESENTATION OF TRANSITIONAL HOUSING TASK FORCE REPORT

The Transitional Housing Task Force has completed their task of reviewing types of ‘Transitional Housing’ throughout the Town. The report is the combined efforts and recommended updates to the Zoning Code.

Councilperson Dennis, Chairperson of the Task Force:

Things to focus on:

- Changes in the definition of family and occupancy size standards
- Distance between these facilities, and
- Recommended zoning for these types of facilities within our Town.

Requested incorporation of additional language adding the word “clinical” services” be included in certain areas on Page 4, Page 6, Page 7.

Requested the Council share their comments with the recommended 250’ separation on Page 10. There is some concern with the basic lot sizes in Georgetown are about 60’ wide, so the 250’ may not be enough distance.

Recognized the considerable amount of time on the part of everyone that participated, with a lot of resident participation, the committee had incredible staff support from Gene, Jocelyn and Angie to which we are very much indebted to for the quality of the product.

Emphasized the proposed requirement, specified on Page 9:

“It is strongly recommended that the agency responsible for the operation of any program described herein notify adjacent property owners in writing, at least 45 days in advance of occupancy, of its intent to locate in the neighborhood. Meetings with local residents are strongly encouraged so as to provide adjoining property owners with information regarding the clients to be served, programs goals and objectives and specifics on how to contact the sponsoring agency should questions or problems arise. These actions are highly recommended so as to promote the goal of a “good neighbors” policy whereby program recipients and neighborhood residents can co-exist and respectfully support their respective rights and privileges”.

Commented we are the first that a municipality that has attempted to address the issues proactively. Proactively in the sense that we know there are issues in Town and we are hoping to put something out there that is going to help present a process that is going to solve the issues we have now.

Mayor Wyatt: Agreed the 250’ is an issue as the proximity is closer than we think. Recognized there are restrictions and limitations placed on us by the State; however, would like to see a greater distance.

Councilperson Dennis: The Task Force originally recommended a minimum distance of 1,000’, but there was a lot of push back from the State on that, but there is a big different from 250’ to a 1,000’.

Mayor Wyatt: Asked as to the recommendation of 500’ separation.

Councilpersons Hartstein and West agreed with the recommendation of a 500’ separation.

Motion by Councilperson Hartstein, seconded by Councilperson West, to approve the Transitional Housing Task Force Report with the changes Councilperson Dennis recommended. **APPROVED (unanimous).**

Mayor Wyatt presented the Transitional Housing Task Force members with Resolution #2013-4 Appreciation of the Transitional Housing Task Force Members.

“Resolution #2013-4 is incorporated as part of the minutes.”

7. **2ND READING & ADOPTION OF ORDINANCES**

A. ORDINANCE #2013-10 REQUIRED OFF-STREET PARKING

This Ordinance establishes a one (1) space per rental room or suite for hotels. 1ST reading was June 12, 2013, recommended by the Planning Commission for approval.

Councilperson Dennis: Expressed concern as it seems premature to make this change and would like to see more objective criteria in determining what is best for Georgetown and this use. This highlights the importance of using objective criteria and not being influenced by a conceptual plan when making decisions which affect the Town in the future.

Re-emphasized the need for joint workshop(s) between Council and the Planning Commission to ensure any disconnect between the two is eliminated and a coherent collective vision for Georgetown is developed. Let's set our priorities, and communicate clearly with each other so that when applications come before either group, we are on the same page.

Recommended the ordinance be deferred for future action and the Town Manager set a time and date for our first workshop. The agenda must include future planning efforts, what do we want our Town to be, what kinds of things do we want to see developed in this Town and have some common ground as to how we can move forward.

Mayor Wyatt: Feels the zoning map reflects agreement on the design and uses the Town wants to see. This ordinance is good for all businesses, especially hotels, looking to come to Georgetown.

Councilperson Dennis: Would like to see what other towns allow with respect to parking and provide for an opportunity to consider this and make a fair, reasonable and informed decision.

Councilperson Hartstein: Pointed out whether it's 1 parking spot or 1½ parking spots, I don't really see where that changes anything for us, I see where it does for the developer, because it's going to cost him a lot more money.

Councilperson West: We need to recognize these investors have taken the time to send surveys out and see what hotel would fit in this area, and they've come up with a plan for that sum of money to build that entity.

Councilperson Dennis: We need to work with developers and investors to create a win-win for everyone the investor and the citizens of Georgetown. Our constituents have repeatedly expressed their priorities are and what they would like to see, its entertainment venues, food and dining, those are important things that the residents want.

Councilperson Hartstein: Those things will come when the hotel comes. If we don't make this change then the hotel will not be coming, and there will be no restaurants, no conference rooms, there will be nothing.

Councilperson West: After spending time researching nationwide code averages for hotels and parking. On the average it's 1 per hotel room, 1½ refers to handicap parking. The thing that really comes to me was hospitals 1 parking spot for every

16 beds. I don't feel we're out of the ballpark asking for 1 per room, according to everything that's on the computer nationwide. I tried looking at Towns and cities comparable in size with us. One (1) was the average.

Councilperson Dennis: Under Sussex County Code, 1½ per rental or suite, plus 1 for every 3 employees. That's Sussex County, that's right here, not national.

We need to look at this, the parking issue, as well as the building height. This has the potential to be the tallest structure in this entire Town. It's going to dominate the landscape.

Mayor Wyatt: And I think that is something that could be looked at through the Planning Commission.

Councilperson Hartstein: They're liable to just move on to the next Town. What it boils down to does really not have to do much with how many spaces, either 1 or 1½, it's whether we want to have a nice new hotel in the Town of Georgetown. That's really what it boils down to, in my opinion.

Mayor Wyatt entertained a motion to accept Councilwoman Dennis' defer of this adoption. **NO SECOND, MOTION FAILED**

Motion by Councilperson Hartstein to go with the Planning Commission's recommendation and approve.

Councilperson West: With this in mind, is there a way to table this just for a week until a visitation going to take place. I think when parties get to see the product that this individual puts out, it could have a determining factor whether they like it or not. Do you think a week would influence the investor? I'm trying to make all parties happy here.

Motion by Councilperson Hartstein, seconded by Councilperson West, to adopt Ordinance #2013-10 Required off-Street Parking. **APPROVED 3-1 Yea: Hartstein, West, Wyatt Nay: Dennis**
"Ordinance #2013-10 is incorporated as part of the minutes."

B. ORDINANCE #2013-11 BREWERIES – DEFINITIONS, UB2, LI1, PERMITTED USES

This Ordinance establishes definitions for a Brewery, Microbrewery, and Restaurant and Bar, Brewpub. The permitted uses of Restaurant and Bar, Brewpub and for Microbrewery will be added to §230-82 for UB2 Neighborhood Business. The permitted use of Breweries, Regional (small and large) will be added to §230-110 for LI1 Limited Industrial.

Motion by Councilperson Hartstein, seconded by Councilperson Dennis, to adopt Ordinance #2013-11 Breweries – Definitions, UB2, LI1, Permitted Uses. **APPROVED (unanimous).**

"Ordinance #2013-11 is incorporated as part of the minutes."

8. GREAT FUND APPLICATION REQUEST FOR FUNDING – DELAWARE DISTRICT III LITTLE LEAGUE

The GREAT Fund (Georgetown Recreation, Education & Arts Trust Funding Program) was established in 2007. Source of funding is to provide financial support to various organizations. Bob Slavin, Marketing Director, Little League World Series has contacted the Town requesting a draw. Requested breakdown of draw for \$6,000.00 (falls under Recreation). The current balance is \$87,394.30. In return, the Town of Georgetown will receive a free full page ad.

Motion by Councilperson Dennis, seconded by Councilperson Hartstein, to approve the funding request in the amount of \$6,000.00. **APPROVED (unanimous)**.

9. DEMOLITION – 101 ALBURY AVENUE

The property owner was ordered by the previous Code Enforcement Officer to demolish the structure. The property owner was again notified via certified mail May 25, 13, to no avail.

If Council is in favor of the Town of Georgetown taking the necessary steps to demolish, a ‘Notice of Demolition’ will be placed in the local paper, posted at Town Hall and on the Town’s website.

Motion by Councilperson Dennis, seconded by Councilperson West, to take the necessary steps to demolish the structure at 101 Albury Avenue. **APPROVED (unanimous)**.

10. Departmental Reports

A. GENE DVORNICK – TOWN MANAGER

Legislative Items

There are a few pieces of legislation we have been actively engaged with and offering comment on:

Bill	Description	Position	Status	
HB 4	Reincorporation – New Charter	Support	Signed By Governor	
HB 6	Modification to Prevailing Wage Requirements	Support	Failed in Committee	
HB 7	Prevailing Wage Opt Out	Support	Failed in Committee	
HB 27	Tax Refund Intercept for Collection of Property Taxes	Support	Passed House	Finance
HB 81	Police Officers’ and Firefighters’ Employment Relations Act	Oppose	Passed House	Out of Committee
HB 84	Mandatory Background Check for Candidates for Elected Office	Support	House Administration	
HB 147	Police Chief Due Process	Support	Passed House	Judiciary
HB 158	Line-Of-Duty Death Benefits	Support	Out of Committee	
HB 167	Pre-employment Background Checks	Requested More Information	Econ Dev/Banking Insurance/Commerce	
HB 169	Compensation for Tax Exempt Properties Owned by the State	Requested More Information	House Administration	
HB 175	Worker’s Compensation	Support	Passed House	Passed Senate
SB 6	Minimum Wage	Neutral	Econ Dev/Banking Insurance/Commerce	Passed Senate
SB 65	Clean Water Advisory Council to Water Infrastructure Council	Neutral	Signed By Governor	
SB 145	Bond Bill	Support		Bond

We are pleased to see the Bond Bill increased the Municipal Street Aid (MSA) amount to \$5,000,000 – this is \$1,000,000 more than the Governor’s

Recommended Budget. Also, the restriction on the use of the additional funds has been eliminated.

Effective July 1, 2013, MSA funds can no longer be utilized to cover law enforcement expenses.

Comprehensive Plan Amendment

The Town has received written comments from Office of State Planning Coordination regarding the Comprehensive Plan Amendment indicating “the State supports the comprehensive plan amendment and has no comments regarding the proposed rezoning of the property.”

Miscellaneous

Mayor and Council are invited to the La Quetzalteca Restaurant, 5th Anniversary Celebration, Saturday, June 29, 2013 from 1:00 PM to 8:00 PM

Reminder: Town Offices will be **closed** on Thursday, July 4, 2013 in observance of Independence Day

Primeros Pasos has been contacted and requested to provide a status update to the Mayor and Council regarding their project

Employee Service Recognition

Bobby Fletcher	Public Works	19 Years
Daniel Donaway	Water Department	9 Years
Chris Story	Police Department	6 Years

Request: Cancellation of the July 10, 2013 Regular Town Council Meeting. Currently we don't have anything for that agenda.

Motion by Councilperson Hartstein, seconded by Councilperson Dennis, to cancel the July 10, 2013 Town Council Meeting. **APPROVED (unanimous).**

Requested Workshop

Councilperson Dennis asked the Gene and Jocelyn to canvas the 10 people that are involved to find the best time, date and place for this to occur and to accommodate everybody's needs. This will probably involve about 2-2½ hours of our time, which is time well spent. Hopefully, I would like to see this happen by the end of August if that is possible.

11. PUBLIC COMMENT

Tony Semeraro, 4 Cranberry Court, Village of Cinderberry: I disagree with the action taken on Item #7A. I have spoken before this Council and the Planning Commission on numerous occasions when items dealing with the Comprehensive Plan have arisen. The Comprehensive Plan is now 3 years old out of a 5 year term life. There are 2 years left remaining, there are many issues that have never been addressed on that Comprehensive Plan and in 2 years you have to start the cycle all over again. What I found very strange was this month 2 things happened at the same time. One was an application for this Microtel Hotel and the other for the introduction of this ordinance for off-site hotel parking. I can't say what happened first, but I find it very odd that of all the issues in the Comprehensive Plan that require a change to the ordinances, that this topic rocketed right to the top, that this was something that you had to deal with right away. Then when I looked at the application for this project, I want to speak to how it relates to this ordinance. This particular ordinance if this is not passed that project cannot be built within the 3 acres that this project is designed for. When I read the application and I saw the earth site plan it was an abysmal plan, and the engineer had a lot of comments on it. I had a lot of comments also, however when the meeting was held last

Wednesday night with the Planning Commission the applicant brought in a brand new site plan. He recited the hotel, changed the parking flow, he still was in the 3 acres, however he still cannot make this particular design work without the limitation of the 1 to 1 parking arrangement. What I heard in the discussion is what the developer would do if he didn't get their parking, and that is disturbing to me. Because, what the investor wants should not be driving why you do an ordinance. An ordinance should make sense now and in the future. So if you have an ordinance 1 for 1, the reason we're doing this is because there is an existing ordinance which allows 1½ to 1, and that is supposed to take care of non-renting room facility, i.e. conference, banquet, reception. You have to have more than a 1 to 1 ratio in case you have a full hotel, and you will have other visitors to other events, so you need the 1½ to 1. You also need something for employees, and that is what our exiting ordinance speaks of. To go to 1 to 1 out of all the things that need to be considered, we go to that particular ordinance as if that was the most important change we have to make. The problem with that is, the only thing it is going to attract is people with those kinds of hotels. Like this one without any ancillary facilities that can be of benefit to the community. So we will continue to attract the low price point hotel, in my opinion, because we have this ordinance and people will build where they can build the smallest parking lot possible. So we will be stuck with this Town having Red Roofs, Super 8's, Microtel and whatever. I suggested in the Planning Commission meeting and wrote a letter to the Commission, that they all have it, that I would like to see a higher grade hotel, a little bit better for Georgetown, and I think we can do that.

The other thing that is brought out by this application is the fact that you should reconsider the height requirement in the Highway Commercial District. I doubt that very few people in this Town understood that HC allows a 55' height of a structure. A 55' is a 5 story building; we don't have anything that remotely approaches that all up and down US113.

The third consideration that you need to look at, is that this application is next to a senior residential planned community that is being built out as we speak. Thirty more homes to be built and this structure will look down on those people. That is not a good fit, not for that hotel, not for the Town and not for these people who are going to be affected. If you had another residence like Cinderberry Estates or the Meadows and you said within 100' away in accordance with our Code we're going to put up a 4 or 5 story building, you would have people like me up here saying the same things to you. The problems are not going to go away. So I seriously suggested that you reconsider what you're doing here on this ordinance and to say that perhaps we're doing this 'not because of investors', that really doesn't seem to hold water to me. To me it seems the tail is wagging the dog. I think we have to have a better vision for our Town. Thank you for allowing me to speak.

Chris Lecates, 212 Wilson St: Updated the Council on the Playground Committee and the work they've been doing. The committee has been working very hard trying to raise funding for a playground. The Town owns the 2 properties on King Street which will be the location for the playground. We have just been notified that Perdue has given us \$10,000 toward achieving this goal. We are having a check presentation on Monday, July 8, 13 at 2:00pm at the King Street property and would like to invite Mayor and Council to attend. Mr West obtained a sign from Ad-Art that will be erected on the property stating future site of the playground. We have raised over \$30,000 towards our first goal of many. Mr Steve Ellis, has very generously donated his time, for free to help the committee incorporate and obtain our 501-C3 status. This will make the committee eligible

for local, state and federal grants, which we need to pursue all of our goals. Our goals also include not just King Street, but having a park where we can have concerts, walking trails, biking trails, areas for families to congregate, and other activities for kids to play on. We have big goals.

12. ADJOURNMENT

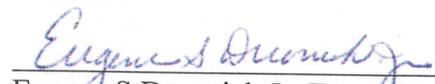
Motion by Councilperson Dennis, seconded by Councilperson West, to adjourn at 8:08p.m. **APPROVED (unanimous).**

APPROVED:



Steve M Hartstein, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager