

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, November 13, 2013
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 6:45 P.M. Public Hearing
7:00 P.M. Regular Meeting

PRESENT:

Michael R Wyatt, Mayor
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

ABSENT:

Steve M Hartstein, Ward One

6:45 P.M. PUBLIC HEARING

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2014 FUNDING REQUEST

Brad Whaley, Director of Community Development Housing discussed the use of the Community Development Block Grant (CDBG) program and the guidelines for the application process. CDBG funding is used for projects that would benefit low to moderate-income households and/or neighborhoods. The top priority for the funds is for housing rehabilitation for homeowner occupied projects. Demolition, infrastructure, and code enforcement projects are also eligible items. There is a required match from the local municipality of 10% for projects less than \$100,000, 15% for projects \$100,000 to \$200,000 and 20% for projects over \$200,000. Previous CDBG projects in Georgetown have included funding for Code Enforcement, Housing Rehabilitation, Drainage Improvements, Water and Sewer Connections, South Railroad, Margaret Street, and Savannah Road Sidewalks. Qualifications: Low to Moderate Income based, owner occupied, resident of Georgetown, unable to make the improvements, taxes must be current with the Town and the County, property insured, property owner must sign a non-interest bearing lien (10 yrs 62 or younger and 5 yrs 62 or older), average lien is approx. \$15,000. For the past 14 years the Town has received over \$745,000 in CDBG funding, and have assisted approximately 119 households. Over the past 2 years we have been working with the Market Street project with the amount of \$243,250 in CDBG funding. This year we also received \$64,000 to do housing rehabilitation, right now we have 5 houses written up with 2 under contract. The deadline for the application is February 28, 2014. If the Town wishes to continue with Phase III of the Margaret Street Project there will be a match for that depending on the size of the project.

Mr Whaley requested Mayor Wyatt to open the floor for questions and comments.

There were no comments.

Public Hearing was closed at 6:52pm

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

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

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

5. **PROCLAMATION – NATIONAL AMERICAN INDIAN HERITAGE MONTH**

The Mayor by Proclamation proclaimed November as the National American Indian Heritage Month, in the Town of Georgetown, and urged all our citizens to observe this month with appropriate programs, ceremonies, and activities.

6. **2014 CDBG APPLICATION – SUSSEX COUNTY COMMUNITY DEVELOPMENT OFFICE**

A. RESOLUTION #2013-7 FAIR FEDERAL HOUSING LAW

Resolution #2013-7 is for the Fair Housing Law indicating that the Town of Georgetown acknowledges the importance of Fair Housing and supports the goals of the Federal Fair Housing Law.

Motion by Councilperson Barlow, seconded by Councilperson West, to adopt Resolution #2013-7 Fair Federal Housing Law. **APPROVED (unanimous).**

“Resolution #2013-7 is incorporated as part of the minutes.”

B. RESOLUTION #2013-8 APPLICATION FOR CDBG FUNDS

Resolution #2013-8 authorizes Sussex County to apply for CDBG Funds on behalf of the Town of Georgetown.

Motion by Councilperson Barlow, seconded by Councilperson Dennis, to adopt Resolution #2013-8 Application for CDBG Funds. **APPROVED (unanimous).**

“Resolution #2013-8 is incorporated as part of the minutes.”

7. **LAYNE CHRISTENSEN COMPANY APPEAL OF THE SOUTH RAILROAD AVENUE WELL & TREATMENT FACILITY QUESTIONNAIRE SCORING**

Town Council was supplied with information on the history of the steps that led to the appeal by Layne Christensen Company. Davis, Bowen & Friedel, Inc advertised October 8th and October 15th, 2013 in the Delaware State News for prospective bidders on the South Railroad Avenue Well & Treatment Facility. Each prospective bidder had to meet the responsibility criteria established for the project prior to the submission of a bid. The questionnaires were due no later than 2:00pm on October 22, 2013.

A Portion of the Questionnaire entitled – Part III Responsibility Criteria as to how the questionnaires were graded on a point system Prospective Bidder Questionnaire Scoring Results was supplied to Council. A Letter of regret to Layne Christensen Company from Davis, Bowen & Friedel, Inc was sent stating that if they wished to appeal their decision they could do so before Town Council. A Letter of Appeal from Layne Christensen Company to Davis, Bowen & Friedel, Inc was received.

Town Engineer, Erik Retzlaff, recommended Layne Christensen Company as a responsible bidder being more than capable to do the project, with no reason to prohibit them from doing the work.

Motion by Councilperson Dennis, seconded by Councilperson Barlow, to accept the appeal by Layne Christensen Company due to the expert recommendation of the Town Engineer. **APPROVED (unanimous).**

8. **FY13 AUDIT RESULTS AND FINANCIAL STATEMENTS**

Sheldon Forney presented the FY13 Audit Results and Financial Statements and reviewed the Management Letter.

9. PRESENTATION – ZONING CODE REVISIONS – HEIGHT RESTRICTIONS
 Town Manager presented Council with a PowerPoint Presentation for height restrictions.

Summary of Building Height Permissions

District	Height	Setbacks		
		Side	Rear	Front
Highway Commercial (HC) (<i>Note 1</i>)	55'	10'	10'	40'
Light Industrial (LI-2)	55'	20'	20'	40'
Education (ED)	55'	10'	10'	100'

Note 1:

A 100' setback from single-family residential structures in single-family residential districts is required but may be reduced to 25' with approved buffer as determined by the Planning Commission.

Impacted Uses

• Chapter 230. ZONING

• Article XV. HC Highway Commercial District

• § 230-104. Permitted uses.

- L. Garages, parking or storage.
- M. Hospitals or clinics.
- N. Hotels, motels or motor lodges.
- T. Schools for industrial training, trade or business

Concerns

- Highway Commercial adjacent to Residential Areas
- Impact on Quality of Life
- Property Values, Views, Privacy
- Increased Noise
- Increased Density and Traffic

Summary of Alternatives

Alternative	Pro's	Con's
Set Maximum Height at 35' for all Districts	Easy to implement Comparable with other municipalities	May have negative impact on future development
Conditional Use for Specific Uses within HC Zone	Case by Case determination	Added time and cost for approval
Increase Side Yard & Rear Yard Set Backs	Easy to implement Understandable calculation	May not be restrictive enough May have negative impact on future development May increase land required to comply
Relational height limit	Understandable calculation	May not be restrictive enough

No Modification

Next Steps

- Discussion of Alternatives
- Agreement on Alternative Selection
- Initiate Modification to Height, Area & Bulk Requirements
- Planning Commission
- Public Hearing & Vote
- Town Council
 - Public Hearing & Vote

Councilperson Dennis recommended scheduling a workshop with the Planning Staff to discuss these items.

Mayor & Council agreed having a workshop on Wednesday, December 11th at 2:00pm.

10. PRESENTATION – NEED FOR TOWN HALL RENOVATIONS

Town Manger presented Council with a PowerPoint Presentation on the Need for Town Hall Renovations.

Topics

Existing Buildings - Studies Conducted - Property Acquisition - Planning Efforts - Alternatives

Existing Building

- Constructed in 1918
- Deeded to the Town in 1965
- Repairs
 - Energy Efficiency & Conservation Block Grant – 2009 New Windows
 - Shoring of First & Second Floor
- Issues - Mold, water, leaks, roof, security, other

Studies Conducted

- Sussex Environmental Health Consultants - September 22, 2006 – Mold Evaluation
- Baker Ingram & Associates – February 2012 – Structural Integrity
- Harvard Environmental – October 2012 – Asbestos Inspection

Mold Survey Findings

- Mold spore concentrations slightly elevated above outdoors
- These molds are common allergens which will cause more serious allergy, asthma and hay fever type symptoms.
- Elevated relative humidity and water problems in the basement are of serious nature given the location of the air handling systems and ductwork.

Structural Integrity Findings

- First Floor Framing – severe water damage to several joists in the rear fo the building particularly at the two corners (northeast and southeast).
- Second Floor Framing – northeast corner, similar to the first floor, there are several joists that are severely deteriorated.
- Roof Framing – the two middle trusses over the front lobby exhibit a significant permanent deflection which is visible from the attic – significant levels of deterioration of the truss bottom chords at the four corners of the building with the south side being more severe. We also saw deterioration of the first truss inside the west wall along its length at the bottom chord.

Property Acquisition

<u>Date</u>	<u>Description</u>	<u>Investment</u>
December 2004	123 W Market Street	\$436,500
October 2007	8 North King Street	\$100,000
February 2008	4 North King Street	\$ 82,500
February 2009	37 The Circle	\$323,000

Planning Efforts

- Davis, Bowen & Friedel – 1999
- Delaware Tech – 2004
 - Space analysis – 39 The Circle, suggested addition of a 2nd floor over the current lobby area
- McCool & McCool – 2004
 - Assessed future needs, designed a 13,687 SF structure, suitable for 123 W Market Street, design adaptable to North King Street, estimated cost \$5,575,000 (land/site/bldg)
- Delaware Tech – 2010
 - Analysis of 37 The Circle, preliminary schematic program design
- Davis, Bowen & Friedel – 2012
 - Complete engineering design, Town Hall – 5,340sf & Annex – 2,732sf (37 & 39 The Circle), estimated cost \$1,650,000, February 27, 2013 presentation

Funding Efforts

- Incorporation into Bond Bill – Legislative presentation – January 2008
- USDA Community Facilities Loan – 40 Year Amortization – low interest rate
- Others – Realty Transfer Tax, Annexation Funds, other

Mayor Wyatt recommended that perhaps Council could discuss this also at the Height Restriction Workshop scheduled for December 11th at 2:00pm.

11. FOP CONTRACT AUTHORIZATION

There are three significant changes with the proposed contract, 3 year contract versus a 5 year contract, in year 2 of the contract they would be eligible for payment of holidays, and they would lock into CPI (Consumer Price Index) and we also adopted a 168 hour work schedule in a 28 day work period. Mayor Wyatt thanked the Town Manager and Councilperson Dennis for all their hard work.

Motion by Councilperson Dennis, seconded by Councilperson Barlow to approve the FOP Contract as presented. **APPROVED (unanimous).**

12. ADOPTION OF THE REVISED COMPREHENSIVE PLAN ZONING MAP – 16 MILE BREWERY

Formality by Council to adopt the revised Comprehensive Plan Zoning Map due to the rezoning of parcel 1-35, 20.00, 50.00 to a classification of LI-1 Light Industrial.

Motion by Councilperson Barlow, seconded by Councilperson Dennis, to adopt the revised Comprehensive Plan Zoning Map. **APPROVED (unanimous).**

13. 1ST READING OF ORDINANCES

A. ORDINANCE #2013-21 ICE CREAM PEDDLER

The Town was notified that the Georgetown Police Department, per DELJIS protocol, can no longer perform criminal background or driver's license checks for business licenses for Ice Cream Peddlers. No action at this time. 2nd reading and adoption if agreeable will be at the December 11th Town Council meeting.

14. 2ND READING & ADOPTION OF ORDINANCES

A. ORDINANCE #2013-16 SECRET ELECTRONIC RECORDINGS OF WORKPLACE CONVERSATIONS.

This Ordinance protects all employees of the Town from being secretly recorded electronically. The Town has received two letters of opposition from Lisa Story and Lester Shafer. The letters of opposition has been distributed to Mayor & Council. Councilperson West, Councilperson Dennis and Councilperson Barlow agreed to recommend tabling this item until pending litigation is resolved.

Motion by Councilperson West, seconded by Councilperson Barlow, to table Ordinance #2013-16 at this time. **APPROVED (unanimous).**

B. ORDINANCE #2013-17 NUMBER OF ANIMALS PERMITTED AND REMOVAL OF FECAL MATTER

The Town received a complaint for a certain number of cats within a residence, and when the Code Enforcement Officer reviewed the Code to make any type of enforcement, there was no Code violation that could be issued.

After much discussion Council recommended that the Town Manager contact some feral cat organizations for assistance with this problem.

Mayor and Council suggested tabling this Ordinance #2013-17 at this time.

C. ORDINANCE #2013-18 TREES

With the Town being recognized as a Tree City USA, a requirement is to recognize Arbor Day Events, adopt a Tree Committee, and the adoption of a very generic tree ordinance. This ordinance is for publicly owned trees, this does not apply for trees on privately owned property. At the last meeting Councilperson Dennis asked for an explanation as to why this ordinance was needed. With Councilperson Dennis's recommendation the following wording was added: The Mayor and Town Council wish to promote the public health, safety and welfare of the citizens of the Town of Georgetown, trees are recognized as enhancing the economic, environmental, and aesthetic qualities of the Town, Delaware currently has 14 recognized Tree Cities USA Communities, 13 municipalities and Dover Air Force Base, becoming a Tree City USA is tied in with the Delaware Forest Service strategic plan, a majority of the Urban & Community Forestry grant recipients have been Tree Cities, and opportunities for future funding may be enhanced by gaining recognition as a Tree City USA Community,

Motion by Councilperson Barlow, seconded by Councilperson Dennis, to adopt Ordinance #2013-18 Trees. **APPROVED (unanimous).**

“Ordinance #2013-18 is incorporated as part of the minutes.”

D. ORDINANCE # 2013-20 SOLID WASTE – SCRAP TIRES

The Town recently received a complaint from a major business owner here in Town with an issue out on RT 113 with a business that was unfortunately out of Town limits. When he tried to address this complaint with the County he found out that there is no County or State Law that deals with scrap tires, and as these businesses are in the process of relocating we thought that perhaps we should add language into our Code that deals with scrap tires. The proposed ordinance addresses definitions, management, accumulation, reporting, enforcement, violations, civil remedies, and abatement. The Town needs feedback from Council on §185-11.B. Accumulation on the amount of tires allowed and fines.

Mayor & Council recommended in §185-11.B “holding up to 100 scrap tires on premises” and §185-14.A “A fine of \$50.00 per violation” over the allotted accumulated amount.

Motion by Councilperson West, seconded by Councilperson Barlow, to adopt Ordinance #2013-20 Solid Waste – Scrap Tires. **APPROVED (unanimous).**

“Ordinance #2013-20 is incorporated as part of the minutes.”

15. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

2014 Health Care

The Benefits Committee met on Tuesday, November 12th to review our 2013 performance and look towards 2014. We have been doing exceptionally well at managing our claims and minimizing our increases. Through October 2013 we are \$42,445 below our projected claims amount. At the national level, projected increases for health care costs are 7.6% to 7.9% for 2014. I am pleased to report our projected health care cost for the 2014 plan year is \$508,145 (a 3.4% increase). There will be no changes to the coverage provided.

West Market Street (Route 9)/DuPont Blvd (Route 113)

The Town has been working with DelDOT concerning the westbound Market Street approach to the US Route 113 intersection – specifically vehicles wanting to turn left onto DuPont Boulevard (south bound). The major concern is a large number of vehicles crossing the double yellow line, passing on the left. DelDOT Traffic Section has performed field observations, examined crash reports for the last 3 years, conducted file

research, and has informed us of the following recommendation for improving safety at this location:

“Recommend extending the left turn lane by approximately 80 feet by making the [necessary] striping modifications....”

I have provided a copy of the proposed revisions to the traffic pattern for your information.

East Market Street Tree Grates

As a result of the press coverage over the East Market Street Tree Replacement, the Town has been contacted by a second vendor and is in the process of arranging a meeting to see how their offering and pricing compares to Delmarva Castings & Supply.

Sussex Central High School Hall of Fame

The Town has been notified the Sussex Central High School Hall of Fame Committee unanimously voted to induct Chad E. Spicer in honor of his service and sacrifice.

The Hall of Fame Induction Ceremony will be held in Sussex Central High School Auditorium on Friday, November 15, 2013 at 9:00 AM.

Sussex Technical School District

Sussex Technical School District is scheduled to appear before PLUS on November 27, 2013 reviewing potential sites for a 420,000 square foot career and educational facility with related amenities. Potential sites, all within the Town limits, include:

- **Location 1:** Southeast side of Route 113 at the intersection of Route 113 and E. Trap Pond Road in Georgetown.
- **Location 2:** Northwest corner of Route 113 and Route 9 in Georgetown.
- **Location 3:** Between Savannah Road and Sand Hill Road near the intersection with Route 9 in Georgetown.

Council had discussions with the decreased tax base, what traffic would be generated, the increase of revenue from utilities, and the impact on businesses.

Motion by Councilperson Barlow, seconded by Councilperson West, to write a letter in support of Sussex Tech High School coming to Georgetown, but Council will not pick a location, and in return the Council would like more information to their timeline as to when this would be coming. **APPROVED (unanimous).**

Miscellaneous

Upcoming Events:

- Delaware League of Local Governments, Thursday, November 21, 6:00 PM, Dover Downs
- Caroling on the Circle, Monday, December 9, 6:30 PM
- Sussex County Association of Towns, Dinner Meeting, Wednesday, December 4, 6:00 PM, Rehoboth Beach
- Georgetown Christmas Parade, Thursday, December 5, 7:00 PM
- **Reminder:** Town Offices will be closed on the following dates:
 - Thursday, November 28, 2013 in observance of Thanksgiving Day
 - Friday, November 29, 2013 in observance of Day After Thanksgiving

B. BILL BRADLEY – DIRECTOR OF PUBLIC WORKS

The fountain and irrigation systems has been drained and winterized for the season. The Public Works Department has completely remodeled the Santa House inside and out. The Christmas Tree and pole lights are being put up this week and will be lit the Monday after Thanksgiving.

We are scheduled to pick leaves up next week throughout the town with a dumpster located at the shop for removal, with the leaves being recycled.

The Margaret Street Project is on schedule as planned with the completion date of December 27, 2013.

We are in the process of getting prices to replace the 17 street lights on East Market Street from the railroad tracks to the Circle with SiteLink Poles and concrete bases like we have installed around the Circle.

All vehicles have been inspected by the Department Of Transportation for the year and we will be starting our winter inspections for snow plows and salt spreader operations.

Town Clerk, Angela Townsend commended the Public Works Department on the work that was done to the Santa House.

Mayor Wyatt stated that the Volunteer of the Year would be announced December 5th, prior to the parade, at 6:45pm, with the volunteer lighting the tree.

Town Manager stated that the Arts & Flowers group would be cleaning around the Circle, along with placing greenery in the planters, and planting bulbs.

16. PUBLIC COMMENT

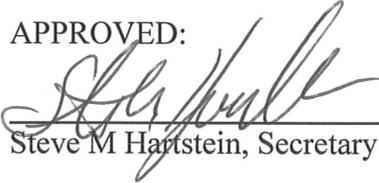
Tony Semeraro, 4 Cranberry Court, thanked Mayor & Council for the work that has been done on the height restrictions, and anxious to hear the results from next month's meeting. Mr Semeraro had concerns with Location 2 (Rt 9 & US 113), from Sussex Tech, the Town should be very careful in giving up that property to a non-profit entity, being that is the last prime highway intersection/corner that you can develop for a large scale commercial development. And to use that prime commercial location that would generate revenue from now until forever, and give it to a non-profit that does not pay any taxes seems not to be a good idea. Let's just remember that of all the property in this Town, 25% does not pay any taxes. In addition to the Family Court wanting to expand is an added decrease to our tax base.

Mayor Wyatt asked Sarah Lake Rayne, Sussex Countain, to put something in the paper about the Volunteer of the Year and lighting of the Tree.

17. ADJOURNMENT

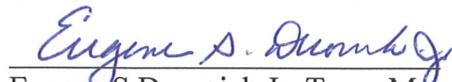
Motion by Councilperson Barlow, seconded by Councilperson West, to adjourn at 8:37p.m. **APPROVED (unanimous).**

APPROVED:



Steve M Hartstein, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager