

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, October 23, 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
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

COMPREHENSIVE PLAN AMENDMENT - REVISION TO TRANSPORTATION

Town Manager presented the proposed Comprehensive Plan Amendment to the Transportation section that impacts the Level of Service (LOS). The Town Manager read the Impact of Development on Level of Service as stated in the Preliminary Land Use Service (PLUS) application. A Public Hearing was held on October 16, 2013 at the Planning Commission meeting at which time the Commission recommended approval. The Planning Administrator and I attended a PLUS meeting this morning with the Office of State Planning and the various agencies, the proposal was accepted with one modification to the service measures with the word "delay" added.

After much discussion the floor was opened for public comment. No one spoke in favor of or opposed to.

The record will remain open for 14 days for written comment.

Public Hearing Closed at 7:03p.m.

7:03 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 Hartstein, to adopt the agenda as presented. **APPROVED (unanimous).**

4. APPROVAL OF OCTOBER 9, 2013 TOWN COUNCIL MINUTES

Motion by Councilperson Barlow, seconded by Councilperson Dennis, to approve the minutes as presented. **APPROVED (unanimous). Abstained: Wyatt**

5. PRIMEROS PASOS UPDATE

Dave Baker, Sally Beaumont, Andre Beaumont, and Sandy Baker were present presenting Primeros Pasos. At the request of Town Council Mr Baker updated the Council on the status of the project. Goal is \$1,327,000 which includes \$450,000 for sustainable fund (operational costs), and \$877,000 for construction. We have commitments of \$714,000 as of this date, along with other requests in process. We are currently operating at St Paul's Episcopal Church with a maximum of 20 students as a non-profit organization. We are doing fairly well with fundraising considering the economy; we will continue community activities to help raise funds. The State recently

raised the purchase of care which is a grant towards low income families by 50% beginning December 1, 2013. Mr Baker presented Council with a timeline for the project with project completion by April 15, 2015.

Mayor Wyatt asked about the condition of the classrooms. Mr Baker stated that the classrooms are suffering from some warping, due to sitting on steel girders. It is a possibility to move forward with the placement of foundations which we do have the money for, but would require special approval by the Town. Mayor Wyatt stated that some sort of letter would be required from the outside agencies stating that the placement of the foundations on the site plan would not have an adverse effect on obtaining approvals from Soil Conservation and DelDOT at a later date. Mr Baker stated that if that was something the Town would like to pursue, Primeros Pasos would not have not a problem doing that at this time.

Councilperson Dennis questioned and asked for clarification with the grant commitments as presented. Ms Beaumont also offered to clarify their financial situation.

Councilperson Barlow questioned the timeline with regards to how long the buildings are going to last as they are now. I also question the condition of the buildings if they remain sitting like they are now until 2015. My opinion is that you need to step up the process and get your permits, which you should have had by now.

Councilperson Dennis voiced concerns whether this project is going to be viable. There is a definite gap between what you need and where you are now. My concern is with the shortfall of money is still based on a lot of commitments.

Mr Baker understood the Council's concern with the financial situation, and reassured Council that Primeros Pasos would start moving forward with putting the buildings on foundations, making the property look much better.

6. STATE OF DELAWARE – FAMILY COURT EXPANSION UPDATE

Dennis Groom, Director of Facilities Management and Mark Devore, Chief Engineering asked Council their opinion as to how to move forward with the expansion of Family Court. Family Court has outlived its functional life, issues with capacity, safety within the Court, and general logistics. The current building is 33,000, the State had a study done years ago, current need plus 20 years, bringing it up to minimum square footage needed from 110,000 to 120,000 sq ft. Epilogue language placed in the Bond Bill this past July gave his office limited authority in spending to enter into an option or first right of refusal for parcel contracts necessary for the expansion of this project. We do not have funding for the expansion, and we no authority to purchase, we do have the authority to enter into the option contracts. We wanted to make Council aware, this is all preliminary informal discussions, with any feedback you may have. Our options include expansion of current structure, or relocation to the highway, which we are very aware of the impact this will have or could have on the Town whether it's with the storm water, parking, and all different issues it will have. Need for facility to expand, due to population, with the addition of case loads and also operational security issues with circulation patterns, which this Courthouse was built before these issues and standards came into play. We are looking at a solution that is going to be long lasting, 20 years or more. We have to look at two big issues the operational concerns, is it going to met the size and will it enhance and blend into the local areas. We know there are limitations and challenges in putting that amount of square footage here in the vicinity of the Circle. We welcome any questions or comments, Courthouse safety is a paramount concern. This is one of their highest priorities, for their upcoming needs. The biggest question is, is it feasible to stay on the Circle?

7A. RESOLUTION #2013-6 NOTICE OF PUBLIC HEARING TO AUTHORIZE BORROWING UP TO \$1,700,000 FOR 37 & 39 THE CIRCLE

The Resolution is a requirement to borrow money as outlined per the Charter. The Resolution only sets the date for the Public Hearing which is for the discussion of whether the Town would move forward with the borrowing.

Councilperson Dennis had concerns as to the short notice of the Public Hearing and what would be presented during the Public Hearing.

Town Manager explained as to what would be presented as it relates to the current and future needs of the Town, available funding and alternatives to the renovations.

Councilperson Dennis asked if that information would be available for review and discussion prior to the Public Hearing. I feel strongly towards having some input from Council prior to presenting this to the public, I would like to see this as an agenda item at the next meeting (November 13th), then a public hearing would follow at a later date.

No action was taken on the Resolution at this time.

8. 1ST READING 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. No action at this time. 2nd reading and adoption if agreeable is at the November 13, 2013 Town Council meeting.

Councilperson West voiced concerns with this ordinance. The law says an individual has the right to protect themselves. Delaware Law has the one party consent law. One Federal Court has upheld that under private law an individual can record their own conversation.

Town Solicitor stated there isn't anything criminally wrong with recording a conversation but it could administratively be a violation if something is in the Code.

Councilperson West recommended tabling this until later after further discussion. If this goes into effect what you're really saying is I can say whatever I want because I don't have to worry about someone recording this.

Councilperson Dennis does it apply to Mayor and Council as well and if not should it be the wording be modified to include them as well.

Councilperson Hartstein asked if other Towns had a similar ordinance.

Town Manager stated that the original language came from Newark.

There was further discussion as to the type of investigation that is referred to in the ordinance. Councilperson Dennis recommended that the insertion of new language such as "except when authorized by a legitimate law enforcement agency to conduct an investigation."

Recommended to defer with comments to the Town Manager for further discussion at next Council meeting.

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. The Town looked at the City of Lewes, City of Rehoboth, and the City of Newark and tried to put something together that was appropriate for the Town of Georgetown. No action at this time. 2nd reading and adoption if agreeable is November 13, 2013 Town Council meeting.

Councilperson Dennis questioned removal of animals by the Code Enforcement Officer or Police Officer being authorized. Town Manager stated that in those cases an outside agency such as the SPCA would be contacted.

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. No action at this time. 2nd reading and adoption if agreeable is November 13, 2013 Town Council meeting.

Councilperson Dennis asked for an explanation as to why this ordinance is needed. The Town Manager explained that it was a requirement for Tree City recognition and for certain funding through the Forestry Service. Councilperson Dennis asked for the addition of wording within the Ordinance explaining why this is needed with the suggested wording of, "In recognition and possible funding opportunities through the Forestry Service the Town is establishing a Tree Ordinance."

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. No action at this time. 2nd reading and adoption if agreeable is November 13, 2013 Town Council meeting.

After much discussion, Mayor and Council asked the Town Manager to survey other tire dealers for an average number that is allowed in storage.

9. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Comprehensive Plan Amendment

The Town presented the proposed comprehensive plan update regarding Level of Service (transportation section) at the PLUS meeting earlier today. One minor addition was requested by DelDOT, and the amendment was endorsed by all other agencies in attendance.

Worker's Compensation Rate Increase

The Delaware Compensation Rating Bureau (DCRB) who recommends and establishes Worker's Compensation insurance rates for the state had proposed a significant rate increase effective December 2013. We budgeted \$100,627 on a conservative side, with the proposed rate increase our actual could result in a budget overrun of \$3,056. This rate increase will have a significant impact on our FY 2015 budget.

South Railroad Avenue Well & Treatment

The Town advertised an Invitation to Perspective Bidders for completion of a questionnaire to determine responsible bidders. Only qualified bidders will be permitted to submit a priced bid. A total of four (4) replies were submitted: Bearing Construction; George & Lynch; Lane Christensen and Teal Construction. Evaluation is underway a list of qualified bidders to be determined on/before October 30, 2013.

East Market Street Tree Replacement

The contractor for tree replacement, Nanticoke Nurseries, has installed the soil in each planting location. Tree installation is planned to begin the week of October 28th.

Ordinance Revision

The Town is currently working to revise the following areas within the Town Code:

- **Annexation:** A new ordinance, as recommended by the Charter Revision Committee, outlining the annexation process.
- **Ice Cream Peddlers (Chapter 119):** We have been notified that Criminal Background checks can no longer be done thru DELJIS. Accordingly, we are revising the requirements for application to require the applicant to obtain a background check on their own and supply this information to the Town.
- **Transitional Housing:** Ordinances to address the findings of the Transitional Housing Task Force.

Miscellaneous

- Upcoming Events:
 - Delaware League of Local Governments, Thursday, October 24, 6:00 PM, Dover Downs
 - Sussex County Today & Tomorrow Conference, Wednesday, October 30, 7:15 AM, Carter Center – Delaware Tech.
 - Historic District Study Committee, Thursday, October 31, 1:00 PM, Georgetown Police Station
 - Sussex County Association of Towns, Wednesday, November 6, 6:00 PM – Lewes
 - SCAT Steering, Friday, November 8, 9:00 AM – Arena’s at the Airport
 - Reminder: Town Offices will be closed on Monday, November 11, 2013 in observance of Veterans Day
- We have completed our negotiations with the Georgetown FOP and are awaiting formal notification of the bargaining unit vote regarding the proposed contract. Once received, the contract will be placed on a Town Council agenda for action
- Employee Service Anniversaries (October 2013):

<u>Employee</u>	<u>Department</u>	<u>Years</u>
Ralph Holm	Police	14
Mark Rogers	Police	12
Kyle Rager	Public Works	1

10. PUBLIC COMMENT

Barbara Holston, Georgetown Arts & Flowers Committee: Updated Council on the projects that have taken place by the Committee. The Committee has removed the sweet potato vines, weeded around the Circle, Town Hall, Police Station, the Barber Shop, and Wilson Park. After a good frost we will then remove the remaining plants and plant tulip bulbs with Council’s permission. Our goal is to beautify Georgetown. We would like to place fresh greens in the planters in the Circle for Christmas. Councilperson Dennis also thanked Louise Skerrett and Anita Burney for all their hard work.

Tony Semeraro, 4 Cranberry Court: On July 24th the Council discussed to possibly revisit the height requirement for certain zones and I would like to know the status of those discussions at this time. Town Manager stated he was working with the Planning Department in regards to the height requirements. There are a lot of HC areas that butt against residential areas. My other concern is the procedures for approval of preliminary site plans, and whether the public is allowed to comment during that process. Mr

Semeraro furnished Council with copies of a presentation for proposed changes to Town Ordinance Chapter 230, §209-A and §209-B. (Copy of the presentation is on file.)

Councilperson Dennis: I have also gone through the appropriate sections of the Code, with the same similar concerns. I don't think it's the intent of this body or Council to limit the ability of our citizens to comment particularly on the issues that affect their quality of life. The procedural process must be examined. In my opinion there are flawed sections of this Code that we must address. Now that this project has been approved we have 11 acres of land over there and I want to have this discussion on the height limit restrictions to be put on the fast track so the remaining acres will not be an entire row of possibly 50' buildings. The building of this height is the first and hopefully the last. We have to make allowances for the public to make comments on these major projects. The residents of Cinderberry have the right to express their opinions, whether or not it will make a difference in the decision of the project is undetermined, but we should not limit people to speak their minds.

Larry Crabill, 4 Frankenberry: I live directly behind the proposed Microtel, if I had known that the project was going to be built I would have thought very seriously about moving into that community. This project will ruin the entire community. One issue we already have is with traffic in our community; motorists use our development as a shortcut, this shortcut results in cars traveling up to 30 mph & 50 mph. We have people that walk their dogs; they don't walk on the sidewalks they walk in the streets, because they feel safe. One day it will happen, but someone will get hit. As a result of this project (Microtel) being approved I would like to see this neighborhood closed as a gated community to help with the traffic or maybe install speed bumps. We need something to slow these people down. As I said before I think we've gotten railroaded with this project, I think someone should have thought about the residents of this community, they are good people.

Kimberly Marvel: Questioned the Ordinance in regards to the number of animals and removal of fecal matter. The problem we have is with a neighbor that started approx. 2 yrs ago there were 7 to 9 cats and has escalated to 35 to 37 adults cats with 3 litters of cats, that are scurrying into the neighbors yards. With this Ordinance is there anything to require spaying, neutering, and shots. These animals have not had any shots. I have called the SPCA and animal control, and was told they do not help with cats. The cats are now attacking neighbor's dogs that have had their shots, are licensed, and have to be either on a lease or in an enclosed yard. The number of cats is explosive and the stench is ridiculous. So I am asking is there anything in the Ordinance that can be worded for spaying, neutering, shots, or the cleanliness of the animals? When the neighbor is asked about the cats, they deny the fact of ownership, but the cats are taken in at night. The situation is inappropriate.

Town Manager: Stated in reference to the stop at Mulberry and Cinder Way, the Public Works Department is in the process of painting the stop lines. I noticed in another community reflective red and white tape in the stop lines and the possibility of installing that. The biggest issue with speeding is along Cinder Way into the Village of Cinderberry. I have discussed with Councilperson Dennis about traffic calming measures, such as lowering the speed limit which is shown to have very little impact. We have the Police Department doing targeted enforcement. From a traffic calming aspect we have looked at Jersey barriers or by planting trees, all those items are being looked at.

Councilperson Dennis: Stated that the Town is trying to look at non-evasive measures before looking at some other items to address this problem.

Larry Crabill: My biggest concern is when someone makes that left turn towards Cinderberry Estates, with the mail boxes there, with residents getting in and out of their cars; I am very concerned with someone getting hurt.

Councilperson Dennis: Asked that some process be put into place to address these concerns that have been raised here tonight with Mr Semeraro and myself so we can begin to look at this.

Town Manager stated that year URS was authorized last year to look into the part of the Town's process and procedures.

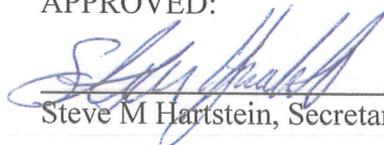
Clayton Townsend, 20293 Ennis Rd: Voiced concerns with the proposed Ordinance #2013-16 Secret Electronic Recordings of Workplace Conversations. Mr Townsend gave examples as to why secret electronic recordings could create issues with employees. From previous experience with this issue Mr Townsend agreed that recorders should not be allowed in the workplace.

Mayor Wyatt acknowledged past Mayor Edwin Lambden was in attendance tonight.

11. ADJOURNMENT

Motion by Councilperson Dennis, seconded by Councilperson Barlow, to adjourn at 8:45p.m. APPROVED (unanimous).

APPROVED:



Steve M Hartstein, Secretary

ATTEST:



Eugene S Dvornick Jr, Town Manager