

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, August 27, 2014  
**Location:** Town Hall, 39 The Circle, Georgetown, DE  
**Time:** 7:00 P.M. Regular Meeting

**PRESENT:**

Bill West, Mayor  
Steve M Hartstein, Ward One  
Sue H Barlow, Ward Two  
Chris Lecates, Ward Three  
Dave Anderson, Ward Four

**STAFF PRESENT:**

Angela Townsend, Town Clerk  
Stephani J Ballard, Town Solicitor  
Eugene S Dvornick, Jr, Town Manager

**6:45 P.M. PUBLIC HEARING – Rezone Application – M & R Properties, LLC –  
Case 2014-10**

An application by Adams-Kemp Associates, Inc., on behalf of J. Everett Moore, Jr., for an official zoning map amendment from Medium Residential (UR2) to Professional Business (UB3). The property is located at 126 West Market Street, Georgetown, DE identified as Sussex County Tax District 135 Map 19.08 Parcel 89.00.

Everett Moore, M & R Properties, LLC presented Council with an overview of the application. Their neighboring properties are also zoned UB3. Their current location at 122 West Market has grown from two attorneys to seven attorneys. This location will be used as conference rooms, with work space and work stations only; there will be no client meetings at this location. The upstairs will be used for an office and storage. The façade will not be changed at all, there will also be no signage out front. The only changes will be to the back and the east side, due to ADA requirements and the State Fire Marshal. An exterior stairway will be placed on the east side and shielded from the street by trees and landscaping. Employees only will be parking in the back; no clients will be parking there. With staff parking at the new location, that leaves adequate space for client parking at our current location.

Pat Ryan, French & Ryan Architects, presented the site plans for the property. From an exterior standpoint, there is incorporation of stairs by the Fire Marshal on the east side. The stairway will be built from salt treated wood. The stain will match the current house color. Due to ADA compliance access will be from the back deck.

Councilperson Lecates asked about the condition of the deck in the back of the house, which will be torn down and rebuilt according Mr Ryan.

Councilperson Barlow favored a composite fire escape or metal over salt-treated wood. Mr Ryan stated that the applicant had not decided yet on what material would be used for the exterior stairway. But that is certainly a possibility that they could consider.

**In Favor:**

Mr Brent Marsh, 120 West Market Street, was in support of the application.

**Opposed:**

No one spoke.

Record open for 14 days.

Public Hearing was closed at 6:56 pm.

**7:00 P.M. REGULAR MEETING**

**1. PLEDGE OF ALLEGIANCE**

Mayor West led the Pledge of Allegiance.

**2. INVOCATION**

Mayor West led the Invocation.

**3. ADOPTION OF THE AGENDA**

**ITEM #9 SHOPS A COLLEGE PARK – DEDICATION OF STREETS – CARMEAN WAY & COLLEGE PARK LANE** was deleted.

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

**4. APPROVAL OF AUGUST 13, 2014 TOWN COUNCIL MINUTES**

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

**5. CONDITIONAL USE APPLICATION – FRED TANA – CASE #2014-7**

An application by the Fred Tana and Chris Dawson, for Conditional Use approval to allow two residential rental units behind a single family residential structure. The property is located at 602 North Bedford Street, identified as Sussex County Tax District 135 Map 14.00 Parcel 174.00 zoned UR1 (Urban Residential).

As discussed at the August 13 Town Council Meeting, Bill Bradley met with Mr. Tana on site.

A summary of findings is as follows:

- The property is serviced by a 1” service line from the main to the meter;
- The water meter is a 5/8”x 3/4” meter;
- This supplies approximately 15 GPM to the property;
- The front house (main structure) has 5 bedrooms/2 baths;
- The garage building (downstairs) has 2 bedrooms/1 bath; and
- The garage building (upstairs) has 1 bedroom/1 bath.

According to the American Water Works Association (AWWA) standard, a 5/8”x 3/4” meter provides a continuous flow of 15 GPM. The average flow rates for home water systems are presented below:

Number of bedrooms	Number of bathrooms in home			
	1	1-1/2	2	3
	flow rate (gallons per minute)			
2	6	8	10	
3	8	10	12	
4	10	12	14	16
5		13	15	17
6			16	18

A 6 bedroom/3 bath home (main structure and garage upstairs) would need a flow of 18GPM.

Councilperson Barlow voiced concerns with granting the Conditional Use, believes it's a bad idea, the garage in the back was not intended for living quarters, intended use was for a hangout for the previous owner's kids. There were no building permits; nothing was ever approved by a building inspector. I still think it would be disastrous to approve residential in the garage. It's overcrowding, and I don't believe the applicant would be willing to pay the required impact fees. Mr Tana should be content will renting the single residence out front, and the garage can become a storage area or a garage.

Councilperson Lecates stated it does not meet the flow necessary for the number of bedrooms and baths. The Council does not have any other choice than to say it is not permitted at this time due to the AWWA standards. That would be an expense Mr Tana would have to incur, to change the water line and make it compliant and that would be another issue in the future. At this time we are obligated because of the water pressure to not permit this usage.

Councilperson Hartstein stated that since that applicant cannot meet the AWWA standards, we have no other choice.

Mayor West stated that is we grant this Conditional Use and in the future the flows are not adequate will Mr Tana come back to the Town asking to fix the problem.

Councilperson Anderson concurred that it would be setting a precedent to grant this application. My thing the whole time has been, we don't need any more rentals.

Mayor West confirmed with Bill Bradley, Director of Public Works that the main house has 5 bedrooms 2 baths and was documented through URS, rental inspectors. Mayor West stated that Mr Tana has called numerous times saying there are not 5 bedrooms in the front house. Mr Tana was given the actual URS report complete with pictures of the rooms as they were.

Motion by Councilperson Lecates, seconded by Councilperson Barlow, to deny the Conditional Use Application request due to noncompliance with the AWWA standards on the property. **APPROVED (unanimous).**

**6. BID AWARD FOR WEST PINE STREET**

The Town previously awarded Del-Mar-Va Paving the resurfacing of West Pine Street and North Race Street in July 2013.

After completion of North Race Street the Town was informed as part of street rehabilitation projects, installation of handicap access ramps and truncated domes are required at intersections impacted as part of the rehabilitation.

Accordingly, we secured bids for this work. Below is a summary of the original proposals and revised proposals (more than 30 days has passed since bid receipt and verification of wage rates):

<u>Vendor</u>	<u>Description</u>	<u>Original Proposal</u>	<u>Updated Proposal</u>	<u>Change</u>
Del-Ma-Va Paving	Roadwork	\$ 117,850.00	\$ 119,650.00	\$ 1,800.00
Shea Concrete	Handicap Ramps	\$ 16,026.00	\$ 16,666.00	\$ 640.00
		<u>\$ 133,876.00</u>	<u>\$ 136,316.00</u>	<u>\$ 2,440.00</u>

Funding for this is provided as follows:

Senator Pettyjohn	\$ 33,500.00
Representative Briggs-King	\$ 33,500.00
<u>Town Funds</u>	<u>\$ 69,316.00</u>
	<u>\$ 136,316.00</u>

Motion by Councilperson Lecates, seconded by Councilperson Hartstein, to reaffirm the funding for completion of the project. **APPROVED (unanimous).**

7. **WEST MARKET STREET LIGHT REPLACEMENT**

The cost estimate for replacement of the wood pole and cobra fixture with a decorative pole and Traditionaire fixture at the intersection of West Market Street and the Circle is \$6,108.27 (including brackets for banners, flags, and flower pots).

Councilperson Lecates brought this project to Council's attention being one of the main entryways into Town; it's not a good look. It's a perfect location for one of the new light poles with banner arms and a flag. I've had someone offer to help defer the cost. Town Manager had copied Council on an email asking for additional funding from Rep Dave Wilson and Rep Ruth Briggs-King

Councilperson Barlow thought the amount was very reasonable, and I concur with Councilperson Lecates that the perception coming on the Circle is not a good one. Mayor West also agreed with the idea of extending off the Circle to bring more people in and this is the opportunity to start that. Councilperson Barlow asked if DPL would allow the Town to put flag holders on their poles at least one block off the Circle.

Motion by Councilperson Lecates, seconded by Councilperson Barlow, to approve the West Market Street Light replacement proposal. **APPROVED (unanimous).**

8. **PUBLIC WORKS AGREEMENT – COLLEGE PARK REGIONAL PUMP STATION**

Public Works Agreement defines specific improvements and costs, standards, and requirements required by the Town. The Town is in agreement with this being approved conditioned on incorporation of the bonding section.

Motion by Councilperson Barlow, seconded Councilperson Lecates, to approve the College Park Regional Pump Station Public Works Agreement contingent upon the incorporation of the bonding section. **APPROVED (unanimous).**  
**“Public Works Agreement is incorporated as part of the minutes.”**

9. **SHOPS AT COLLEGE PARK – DEDICATION OF STREETS – CARMEAN WAY & COLLEGE PARK LANE**  
**A. RESOLUTION #2014-5 DEDICATION OF STREETS – SHOPS AT COLLEGE PARK**

This item was deleted with the adoption of the agenda.

10. **2<sup>ND</sup> READING & ADOPTION OF ORDINANCES**

**A. ORDINANCE #2014-7 HOTEL & MOTEL CODE**

Since the first reading, the following modifications have been made to guest register and occupant definitions, and the clarification of guest register and also removed the word manager.

Motion by Councilperson Lecates, seconded by Councilperson Hartstein, to adopt Ordinance #2014-7 Hotel & Motel Code. **APPROVED (unanimous).**  
“**Ordinance 2014-7 is incorporated as part of the minutes.**”

11. **DEPARTMENTAL REPORTS**

**A. GENE DVORNICK – TOWN MANAGER**

**Repainting of the Circle/Crosswalks**

The Town received notice from DelDOT of the tentative schedule for repainting the Circle and crosswalks for September 10<sup>th</sup> & 11<sup>th</sup> (rain date is set for September 17<sup>th</sup> & 18<sup>th</sup>). Hours for the work are 10:00 PM to 5:00 AM – the Circle will be closed to traffic while the work is in process.

**Downtown Development District Application**

The application submittal date for the FY 2015 Delaware Downtown Development District Program is November 1, 2014. I have provided some suggestions for consideration by the Town Council addressing potential boundaries, incentives, and describing actions the Town has already taking that support this program.

Motion by Councilperson Barlow, seconded by Councilperson Anderson, to authorize moving forward with the application. **APPROVED (unanimous).**

**Sewer Project – Inflow & Infiltration Project**

The bid opening for the Inflow & Infiltration Project was held on Thursday, August 21<sup>st</sup>. The bidders and total bid amounts are as follows:

***Contract A: Manhole Repair & Rehabilitation***

<b><u>Bidder</u></b>	<b><u>Base Bid</u></b>	<b><u>Del Tech</u></b>	<b><u>Total</u></b>
Tri-State Grouting	\$1,387,100	\$85,450	\$1,472,550

***Contract B: Pipe Lining***

<b><u>Bidder</u></b>	<b><u>Base Bid</u></b>	<b><u>Del Tech</u></b>	<b><u>Total</u></b>
Video Pipe Services	\$595,655	\$88,555	\$684,210
Tri-State Grouting	\$622,930	\$101,260	\$724,230
Lagne Inliner	\$711,325	\$104,005	\$815,330

The Town Engineer is reviewing the bids and will be making a recommendation for award at a future Town Council meeting. Funding for this project has been secured from USDA.

**2014 Urban and Community Forestry Grant Application**

The Town is preparing an Urban and Community Forest Grant Application for removal of a diseased Oak tree on the Circle. A Request for Proposals was prepared and has been sent to various tree companies, proposals are due on/before September 12, 2014 with the grant application deadline September 15<sup>th</sup>.

### **Ordinance Revision**

As requested by Members of Council, Code revisions to the Yard Sale and Flag sections have been drafted. Should these meet your approval, the process for codification will be initiated (first reading & public hearing).

### **Miscellaneous**

Upcoming Events:

- Sussex County Association of Towns: Wednesday, September 3<sup>rd</sup>, at 6:00 PM, hosted by Sussex County Association of Realtors
- Sussex County Association of Towns Steering Committee: Friday, September 5<sup>th</sup>, at 9:00 AM, Arena's at the Airport
- Reminder:
  - Town Offices will be closed on Monday, September 1<sup>st</sup>, in observance of Labor Day

### **Advantech**

Advantech was here today beginning work on the access system to the building and next week they will be here working on intrusion and fire protection.

## **12. PUBLIC COMMENT**

Maria Hammond has made numerous phone calls to the Town due to her son's house being broken into. She wanted to thank the Police Department for increased patrolling since the robbery; there has been a decrease in foot traffic on Bramhall Street. Ms Hammond thanked Council for that and also Detective Cordrey, who is still working on the fingerprint aspect of it. Also, thanked Rep Ruth Briggs-King, for working on the hotel aspect of it with the transients walking up and down their street. She thanked the Police Department for their increased attention at the Park behind Grace Church. The park was going downhill quickly, my son, my husband and I have been going around there every night for about a month now, visiting with people there letting them know it's a family park. We painted all the graffiti in reference to gangs in the pavilion; we are constantly out there talking to the families about the being a family park. We have picked up trash and found a lot of unsafe articles such as needles and condoms with children are running around barefoot. There are signs posted, that the park closes at dusk. When we find people there after dusk, we call the police and they come. Ms Hammond thanked the Bill Bradley, Public Works Department for the trash cans out there. We would like the one closest on King Street moved closer to the picnic table where we get most of the trash. She appreciated the Police going around there and continuing to patrol the park. Ms Hammond voiced concerns over the subdivision for sale on North Bedford Street across from Megee Motors, I come from Milford every day, and numerous times I've noticed tire tracks right through the flower beds. My concern with the approved subdivision is how many more cars are going to be going right through there. Something needs to be done with that intersection, perhaps redesigning it with a different traffic pattern. We have also had problem with our neighbors, making holes in the fence and walking across our property. My husband and I purchased metal trellises and placed them in front of the holes in the fence and that has deterred a lot of people from walking through those holes onto our property.

Clayton Townsend, 20293 Ennis Road, asked Councilperson Lecates that if Mr Tana had the water supply, and if it was approved, who's to say that one of my neighbors with a larger lot could erect a 2 car garage with an apartment above and how could you stop that. If Council even considers granting the Conditional Use, wouldn't it create precedence for anyone else? I think I have trouble with the wording of "not at this time", meaning if he did the improvements to the water and sewer it would be approved. I have never had that fear until I starting having issues recently with the neighbor and the craziness I've had with him. Councilperson Lecates answered that the applicant would have to reapply for a Conditional Use at that time after he had done all the improvements. I understand that, I'm just saying the wording "not at this time" could be used against us. Mayor West asked Bill Bradley about the number of homes in Town with a 1" water line going in? Bill Bradley stated the majority of homes in Town have a 1" water line. Mayor West stated that the majority of homes are 3 bedrooms with a 1½ to 2 baths, so I think we can handle that problem of Conditional Use from this point on by getting Bill Bradley involved from the beginning, and determining as to whether the applicant would have a flow problem or not, that would determine if Council moves forward with the Conditional Use. Mr Townsend had considered a garage apartment years ago but with all the infrastructure costs involved he reconsidered. Mayor West stated that Council considered this application in order to be business friendly and wanting to work with people, but with the problems we had with this application we knew it was a dead end street.

Town Manager received a Thank You note from Station 93, Ambulance Service for the Town's support of \$2,500.00

Town Manager submitted flag designs with 3 lighter blue and 3 darker blue drawings. We will consider an appliqué as well as embroidered. Councilperson Anderson asked if the flags would be available to be purchased by the public and Town Manager said they would. Councilperson Lecates asked if they would be available in a smaller version, like a garden flag. Town Manager said yes, that he may hold off on that until we get the first set in. The color swatches Council requested are UN Blue, Blue Flower, Bluebird, and Royal Blue samples.

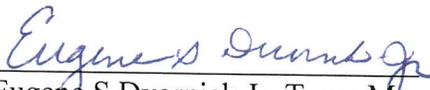
13. **ADJOURNMENT**

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to adjourn at 7:51PM. **APPROVED (unanimous).**

APPROVED:

  
Chris Lecates, Secretary

ATTEST:

  
Eugene S Dvornick Jr, Town Manager