

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, July 23, 2014  
**Location:** Town Hall, 39 The Circle, Georgetown, DE  
**Time:** 6:45 Public Hearing  
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 – CONDITIONAL USE APPLICATION –  
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).

John Sergovic, Attorney for Mr Tana & Chris Dawson, presented Council with an overview of the application. When the applicants inspected the property it was presented as two residential rental units behind a single-family residential unit. Planning Commission had concluded the applicant had not met the intent for a Conditional Use as defined in the Town Code. There would be a minimum affect on the surrounding properties.

Town Solicitor stated that there are two nonconformities, a guest house or service quarters with no kitchen facilities are permitted as an accessory use and then if it is a facility that can house people it's a multi-family on a UR1.

Mr Sergovic said that is what the applicant is asking for, to apply the Conditional Use criteria and allow the existing conditions to stay existing for approximately 5 years, so the applicants can recoup some of their money that they have invested in the property.

Mr Tana learned that the apartment was not an approved apartment; the applicant has spent around \$69,000 on cleaning and improving the property. Chris Dawson stated that approximately 3 weeks were spent on cleaning up the property of all the junk and installing a new driveway.

Councilperson Lecates asked for an estimated number of residents that would be occupying the 4 bedroom and efficiency structure. After some clarification, it was thought that the efficiency would hold (2) and the downstairs unit would hold possibly (8). It was also asked what the applicant's plans are after, if the Conditional Use was granted for the 5 years, what would happen then?

John Sergovic stated we would obviously convert the property (**not audible**) has 4 lots in that area behind (**not audible**) before you get to the other subdivision.

Councilperson Lecates asked about a building permit with a description of a garage with second floor into an apartment, was this ok'd by the Town.

Town Manager stated that was not Ok'd by the Town, we let them make application subject to the Conditional Use process going through. Then they came back requesting permission to continue work to finish the stairwell and the vinyl siding to prevent water from running down into the structure, which the Town allowed them to do. They also had a tenant from outside of Town take care of some dog kennels. We allowed that work to take place as well.

Town Solicitor asked when the applicant purchased the property.

Numerous people answered, sounded like the last day in December 2013.

Town Solicitor asked when you began work on the renovations.

Numerous people answered, sounded like mid January 2014.

Mayor West asked if the \$69,000 was for work on the house and the apartment or just the apartment alone.

Mr Tana stated it was for the roof repair on the back part of the house and the back of the apartment.

Town Solicitor asked if they had applied for a building permit for the work within the part they want to rent.

Chris Dawson stated the roofer did and the contractor did.

Town Solicitor stated that work was done beyond the roof and did you apply for a building permit for the renovations inside.

Chris Dawson stated they did not, all they did was paint, we did do construction in the back, and we added two more bedrooms. We did not get a permit, we thought that the work was covered by the original permit; we did not know we needed to list every little thing that we needed to do and get separate building permits. But we know now.

Mayor West asked about the electric meters, when they were put in, where they are located and if there are individual ones for the apartments, and are there stickers on the boxes stating which electrician signed off on them.

Chris Dawson stated the boxes were there when we purchased the property, one for the apartment and one at the main house. Mr Dawson was sure the boxes were signed off on, he was fairly sure they were inspected by First State.

Mayor West remembers being there when the previous owners lived there. The upstairs over the garage was used more for a hang-out for their kids. Talked to an individual today that used to go there and they had couches and chairs and a TV, there was no kitchen at that time.

Mr Tana stated it has some age on it, but the apartment was existing with a kitchen and a full bath. Structurally it was weak.

Mayor West voiced a problem with accessibility of cars exiting off of Brittingham Lane at that intersection.

Councilperson Lecates has a problem with the 4 bedroom unit, I believe it's overcrowding. It also has a small kitchen, I think you need to have a little bit better use of living space.

Town Manager stated that now the Town has occupancy limitations that are available, that the applicant would need to be in compliance with.

**In Favor:**

Ed Lester: "I own several properties in Georgetown, and I am continually trying to get people to come into Town and fix up places. I was hoping that with the last election we would have a change where we would welcome people, who want to come into Town to fix up properties. It's not the property itself, it's not a public safety issue, and concern with the road could possibly be a condition of the property. There is not a public health issue, and I don't see why it couldn't be approved. I will say to put conditions on it so it gets done the way you want it done".

**In Opposition:**

No one spoke.

The record will remain open for 14 days for additional comments. This item will be placed on a future agenda.

Councilperson Anderson asked who would be controlling the property if we allow it. Who then is the landlord of the property to keep an eye on it? My concern is that it's multifamily unit, without meaning to be a multifamily unit, and personally that is what Georgetown has a problem with. I don't want that, though I like your plan, I don't care for the 4 bedrooms either, which adds to the problem. The idea of an absentee landlord turns me off. So if someone lives on the property or in real close proximity, then I'm a little better towards that. So I have to ask who would be the contact person, in case I ride by and see a problem.

Mr Tana stated that the current tenant living in the house is here and he knows of only one family living there. I am against 2 to 3 families living in one house.

Current tenant spoke in favor of the applicant.

Mr Sergovic (**not audible**)

RT Givens, employee of Lester Realty, spoke in favor of the applicant.

Debbie Givens, spoke in favor of the applicant.

Mayor West told Mr Tana that the Code Enforcement Officer would get up with him to take some pictures of the electrical box.

**Public Hearing closed at 7:17pm.**

#### **7:17 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**

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

**4. APPROVAL OF JUNE 25, 2014 TOWN COUNCIL MINUTES**

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

**5. BID AWARD – GRAVITY SEWER EXTENSION OLD LAUREL ROAD**

On June 27, 2014 an Invitation to Bid was posted. The bid opening took place on July 14, 2014 at 3:00pm. A.P. Croll & Son - \$79,665.00, Utilisite, Inc. - \$74,800.00, and Melvin L Joseph - \$60,299.00. The apparent low bidder is Melvin L Joseph Construction, Co. A recommendation from Bill Bradley, Director of Public Works and Jeff Ward, Construction Coordinator, is to award the bid to Melvin L Joseph Construction Co.

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to award the bid to Melvin L Joseph Construction Co. in the amount of \$60,299.00. **APPROVED (unanimous).**

**6. VILLAGE OF COLLEGE PARK – REQUEST FOR A 1 YEAR EXTENSION**

Asking for a 1 yr extension due to delays associated with offsite sewer issues, struggling economy, and the depressed housing market.

Motion by Councilperson Hartstein, seconded by Councilperson Lecates, to grant the 1 year extension. **APPROVED (unanimous).**

**7. INTRODUCTION OF PROPOSED ZONING AMENDMENT – M & R PROPERTIES, LLC – CASE #2014-10**

A zoning application by Adams-Kemp representing M & R Properties, Inc, from UR2 (Medium Residential) to UB3 (Professional Business) zoning district for the property identified as Sussex County Tax Map 135-19.08-89.00. The property is located at 126 West Market Street. The proposed property use – Law Office Annex.

Motion by Councilperson Lecates, seconded by Councilperson Barlow, to defer to Planning Commission for review and comment. **APPROVED (unanimous).**

**8. BOARD OF ADJUSTMENT APPOINTMENT**

One seat is currently up for appointment, due to the resignation of Bill Lecates. This term expires June 2016. One Letter of Interest was received from Shirley Hitchens.

Mayor West recommended the appointment of Shirley Hitchens to the Board of Adjustment.

Motion by Councilperson Hartstein, seconded by Councilperson Lecates, to approve the Mayor's recommendation of appointing Shirley Hitchens to the Board of Adjustment. **APPROVED (unanimous).**

**9. 1<sup>ST</sup> READING OF ORDINANCES**

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

This Ordinance deals with extended stay hotels, it's designed so that in the event a legitimate extended stay hotel (ex. Marriot Residence Inn) wants to come into Town, they would understand what's compliance. Clarifies that what is currently hotels and motels are not allowed to become extended stay motels. Outlines the permitted length of stay as to no more than 30 consecutive calendar days or excess of 60 calendar days within a 180 consecutive calendar day period of time. It outlines prohibited practices, primarily with cooking, storage of food items, and excessive electrical appliances. Outlines the requirements for posting of information, identifies the penalty provisions along with fines, along with possible forfeiture of business license.

With direction from the Town Solicitor §114-7 (A) & (B) to remove the word "manager".

After much discussion on the 30 days issue, the Council asked the Town Manager to contact other municipalities on how they handle the 30 consecutive calendar day limits.

**10. PROPOSED REDESIGN OF THE TOWN'S FLAG**

Councilperson Lecates suggested that Council consider the redesign of the Town's flag and incorporate the recent branding ideas. Town Manager will contact Ben Muldrow in designing 3 flags with elements of the branding for Council's consideration.

**11. DEPARTMENTAL REPORTS**

**A. GENE DVORNICK – TOWN MANAGER**

**Monthly Financial Report**

The monthly Budget versus Actual Report for May 31, 2014 and June 30, 2014 have been distributed and will be posted on the Town website.

**Country Club Village – Sewer Feasibility**

As requested at the April 9, 2014 Town Council Meeting the Country Club Village sewer feasibility study has been completed. A copy was provided to Steve Morrison, Sewer Project Chair for the community. The engineers cost estimate is \$1,725,000. The community is reviewing the information and determining if they wish to move forward.

**Primeros Pasos**

Dave Baker has provided an update on the Primeros Pasos. Their final plan was submitted early this month and final comments have been provided to the applicant. The Town has met with the project team and discussed the handling of the \$200,000 parking lot improvements and bidding process. An updated financial summary and project schedule were also provided (copy distributed). Councilperson Barlow asked if they could step up their plans, since the winter months will be taking a toll on the trailers not being set on permanent foundations.

**Municipal Street Aid**

With the end of the legislative session we made out okay. The \$5.0 million in the Governor's proposed budget for Municipal Street Aid (MSA) was retained. For the Town of Georgetown this equates to \$144,060.26. We had budgeted \$116,500 for FY 2015.

**Sewer Project – Inflow & Infiltration Project**

The pre-bid conference for the Inflow & Infiltration Project was held on Tuesday, July 22<sup>nd</sup>. A total of four (4) companies were represented – this was not a mandatory meeting – at least twelve (12) companies have expressed interest. Bids are due July 29<sup>th</sup> at 2:00 PM. The Project entails two (2) contracts: Manhole Repair & Rehabilitation and Pipe Lining. Funding for this project has been secured from USDA.

**Greater Georgetown Chamber of Commerce Community Map**

The Town has received a request for advertising in the 2014-2015 Greater Georgetown Chamber of Commerce Community Map, currently under development. The map will be two sided, one of Georgetown and one of Sussex County, highlighting various businesses and organizations. Advertisement rates range from \$199 to \$1,499.

After much discussion Council decided not to participate in the Chamber of Commerce Community Map at this time.

**Request – Georgetown Billiards**

The Town has received a request from Georgetown Billiards to place an outside grill, near the business back door, for food prep for the following dates and events:

August 2, 2014	Business Anniversary
August 9, 2014	Delaware MVP Tournament
October 11 & 12, 2014	Delaware Tri Annual Tournament

In recognition of their anniversary, all are invited for free food (12:00 – 5:00) and free pool all day.

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to grant the request subject to receipt of a Temporary Food Establishment Permit issued by Division of Public Health. **APPROVED (unanimous).**

**Legislative Items**

Final Report on 147 GA and legislation we were following:

<b><u>Bill</u></b>	<b><u>Description</u></b>	<b><u>Position</u></b>	<b><u>Status</u></b>	
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	Defeated Senate
HB 147	Police Chief Due Process	Support	Signed by Governor	
HB 158	Line-Of-Duty Death Benefits	Support	Signed by Governor	
HB 169	Compensation for Tax Exempt Properties Owned by the State	Requested More Information	House Appropriations (Tabled in Committee)	
HB 213	Medical Insurance for Retired State, County & Municipal Police Officers	Support	Passed House	Passed Senate
HB 230	Consumer Protection	Requested More Information	Economic Development/Banking/ Insurance/Commerce	
HB 287 w/ HA 1	Establishes a Set Prevailing Wage	Support	Passed House	Labor & Industrial Relations
HB 333as Amended	Limitation on Taxing Powers	Support	Passed House	Passed Senate
SB 23 w/ SA 1	Municipalities and Limitations on Firearm Regulations	Neutral		Judiciary
SB 157	Open Meetings – Allows Lease and Sale Discussion in Executive Session	Support	Passed House	Passed Senate
SB 191	Downtown Development Districts	Support	Signed by Governor	
	Clean Water Funding		No Legislation Introduced	
	Gasoline Tax Increase		No Legislation Introduced	

**Office of State Planning**

OSP gave out draft of Delaware Downtown Development District Program, there are 2 comments the Town is going to send back. On the application there is encouragement for GIS data, which for small municipalities could be very expensive, and once you get selected as a district, the duration of the district is for 10 years, so anything that the Town would put in place during that time (fees, building permits, processes) would have to stay in effect for the 10 years. Other than that it seems like an interesting project, seems like it's geared to the larger municipalities. I still think it's worth our while to make a run at it.

**12. PUBLIC COMMENT**

Ms Bowden, a Political Science student, was in attendance as a requirement for the course she was to attend Council meetings. Ms Bowden asked Council for further clarification of several items that were discussed tonight.

Councilperson Lecates asked the Town to look internally at the list of email recipients, former Mayors, and employees that are still listed on the contact list.

**13. EXECUTIVE SESSION**

Mayor & Council will meet in Executive Session for the discussion of pending litigation.

Motion by Councilperson Barlow, seconded by Councilperson Hartstein, to adjourn to Executive Session at 7:57p.m. **APPROVED (unanimous).**

Executive Session exited at 8:05p.m.

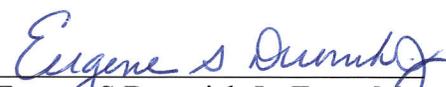
**14. ADJOURNMENT**

Motion by Councilperson Hartstein, seconded by Councilperson Barlow, to adjourn at 8:06PM. **APPROVED (unanimous).**

APPROVED:

  
Chris Lecates, Secretary

ATTEST:

  
Eugene S Dvornick Jr, Town Manager