

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, April 27, 2016  
Location: Town Hall, 39 The Circle, Georgetown, DE  
Time: 6:15P.M. Executive Session  
7:00 P.M. Regular Meeting

6:15 P.M. Executive Session

Mayor and Council will meet in executive session for the discussion of:

- A. A personnel matter which the names, competency and abilities of individual employees are discussed;
- B. A strategy session, with respect to a pending litigation issue.

7:00 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of Minutes
  - A. April 13, 2016 Town Council Meeting
  - B. April 22, 2016 Town Council Special Meeting
5. 1<sup>st</sup> Reading of Ordinances
  - A. Ordinance #2016-7 Water Rates
  - B. Ordinance #2016-4 Registered Compassion Center
6. 2<sup>nd</sup> Reading & Adoption of Ordinances
  - A. Ordinance #2016-5 Animals
  - B. Ordinance #2016-6 Property Maintenance
7. Adoption of Resolution #2016-2 Downtown Incentive for Signage
8. Departmental Reports
  - A. Gene Dvornick – Town Manager
9. Public Comment
10. Adjournment

The agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions, which arise at the time of the meeting. Persons with disabilities requiring special accommodations to attend this meeting should contact the Town Office in writing 72 hours in advance of the meeting, stating their needs in order to have them addressed under the requirements of the Americans with Disabilities Act (ADA).



**ORDINANCE NO. 2016-7**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN,  
CHAPTER 98 THEREOF, ENTITLED FEES**

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET  
AND HEREBY ORDAINS:

**Section 1.** Chapter 98, of the Code of the Town of Georgetown is hereby amended as follows:

§ 98-5. Utility services.

The following fee schedule is hereby adopted for utility services provided by the Town of Georgetown:

<b>Type</b>	<b>Fee</b>
Trash fee (per quarter)	\$68 per unit
Water availability (per quarter)	\$35 per 30,000 gallons' usage
Water usage rate	
In Town	<del>\$3.13</del> <b><u>\$3.88</u></b> per 1,000 gallons' usage
Out of Town	<del>\$4.70</del> <b><u>\$5.82</u></b> per 1,000 gallons' usage
Fire sprinkler line (per quarter)	\$150
Water impact fee (per EDU)	\$1,599 (effective May 1, 2014)

**Section 2.** This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

**BE IT ENACTED** by the Town Council of the Town of Georgetown, Delaware on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
William E West, Mayor

\_\_\_\_\_  
Steve M Hartstein, Secretary

1<sup>st</sup> Reading: April 27, 2016  
2<sup>nd</sup> Reading: May 11, 2016  
Adoption: May 11, 2016



## ORDINANCE NO. 2016-4

### AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 230, THEREOF, ENTITLED ZONING

WHEREAS, the Town Council recognizes the need to address Registered Compassion Centers.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET, HEREBY ORDAINS:

Section 1. Chapter 230, Article III, Definitions, of the Code of the Town of Georgetown is hereby amended as follows:

§ 230-5. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined as follows:

#### **Registered Compassion Center**

**Means a not-for-profit entity registered pursuant to the Delaware Medical Marijuana Act that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and educational materials to registered qualifying patients who have designated the dispenser to cultivate marijuana for their medical use and the registered designated caregivers of these patients.**

Section 2. Chapter 230, Article XV, HC Highway Commercial District, of the Code of the Town of Georgetown is hereby amended as follows:

§ 230-104. Permitted uses.

Buildings may be erected, altered and used or land may be used for any of the following purposes and none other:

#### **Registered Compassion Center, subject to the following requirements:**

- (1) **The facility shall be a minimum of 1,000 feet from any school, park, or child-care facility located within the Town limits of Georgetown.**
- (2) **Prior to the issuance of a Certificate of Occupancy, the facility shall provide a minimum of two (2) public outreach presentations explaining the facility and its operations.**
- (3) **Exterior appearance of the structure must be consistent with the general architectural characteristics of the surrounding area.**
- (4) **Hours of operation shall be limited as follows:**
  - a. **Monday through Friday – 10:30 a.m. to 6:30 p.m.**
  - b. **Saturday – 10:00 a.m. to 4:00 p.m.**
  - c. **Sunday - Closed**

- (5) Lighting shall be required such that will illuminate the compassion center, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front façade, and any adjoining public sidewalk. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- (6) The owner(s) shall remove graffiti from the premises within 24 hours of its occurrence.
- (7) The owner(s) shall provide for removal of litter twice each day of operation, from, and in front of, the premises.
- (8) The owner(s) shall ensure the absence of loitering.
- (9) Signs
  - a. Exterior signage shall be restricted to a single ground or wall sign no larger than ten (10) square feet.
  - b. No graphics of any kind will be allowed.
  - c. Wall identification sign listing the name and emergency contact phone number of the operator or manager in letters of at least 2 inches in height shall be posted in close proximity to the fire department Knox Box.
- (10) The facility shall fully comply with all other requirements of the Town of Georgetown, the laws of the State of Delaware, and comply with Delaware Code, Title 16, Part IV, Chapter 49A as approved and amended from time to time.
- (11) The Town shall report any noncompliance, safety issues or questions from the public concerning the operation of a Registered Compassion Center within the Town, to the Delaware Department of Health and Social Services.

Section 3. Chapter 230, Article XVI, LI-1 Limited Industrial District, of the Code of the Town of Georgetown is hereby amended as follows:

§ 230-110. Permitted uses.

Buildings may be erected, altered and used or land may be used for any of the following purposes and none other:

Registered Compassion Center, subject to the following requirements:

- (1) The facility shall be a minimum of 1,000 feet from any school, park, or child-care facility located within the Town limits of Georgetown.
- (2) Prior to the issuance of a Certificate of Occupancy, the facility shall provide a minimum of two (2) public outreach presentations explaining the facility and its operations.
- (3) Exterior appearance of the structure must be consistent with the general architectural characteristics of the surrounding area.
- (4) Hours of operation shall be limited as follows:
  - a. Monday through Friday – 10:30 a.m. to 6:30 p.m.
  - b. Saturday – 10:00 a.m. to 4:00 p.m.
  - c. Sunday – Closed
- (5) Lighting shall be required such that will illuminate the compassion center, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front façade, and any adjoining public sidewalk. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- (6) The owner(s) shall remove graffiti from the premises within 24 hours of its occurrence.

- (7) The owner(s) shall provide for removal of litter twice each day of operation, from, and in front of, the premises.**
- (8) The owner(s) shall ensure the absence of loitering.**
- (9) Signs**
  - a. Exterior signage shall be restricted to a single ground or wall sign no larger than ten (10) square feet.**
  - b. No graphics of any kind will be allowed.**
  - c. Wall identification sign listing the name and emergency contact phone number of the operator or manager in letters of at least 2 inches in height shall be posted in close proximity to the fire department Knox Box.**
- (10) The facility shall fully comply with all other requirements of the Town of Georgetown, the laws of the State of Delaware, and comply with Delaware Code, Title 16, Part IV, Chapter 49A as approved and amended from time to time.**
- (11) The Town shall report any noncompliance, safety issues or questions from the public concerning the operation of a Registered Compassion Center within the Town, to the Delaware Department of Health and Social Services.**

Section 4. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

**BE IT ENACTED** by the Town Council of the Town of Georgetown, Delaware on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
William E West, Mayor

\_\_\_\_\_  
Steve M Hartstein, Secretary

1<sup>st</sup> Reading: March 23, 2016  
1<sup>st</sup> Reading: April 27, 2016  
2<sup>nd</sup> Reading: May 11, 2016  
Adoption: May 11, 2016



**ORDINANCE NO. 2016-5**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 52 THEREOF, ENTITLED ANIMALS**

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND HEREBY ORDAINS:

**Section 1.** Chapter 52, Article I of the Code of the Town of Georgetown is hereby amended as follows:

**Article I. Dogs at Large CONTROL OF ANIMALS**

**Section 2.** Chapter §52-1, Definitions, of the Code of the Town of Georgetown is hereby amended as follows:

**CAT - A domestic feline of either sex including stray.**

**DOG**— Either a male or female canine.

**DOG - A domestic canine of either sex including stray.**

**NUISANCE - A dog or cat or groups of dogs and cats shall be considered a nuisance if any of the following occurs:**

- A. Chases, snaps at, or impedes a pedestrian, bicyclist, or vehicle.**
- B. Damages, soils, or defiles private or public property, other than his owner's on more than one occasion or habitually.**
- C. Habitually interferes with, molests, or attacks persons or other animals, other than those coming upon his owner's property with permission.**

**OWNER** - When applied to the proprietorship of a dog **or cat**, includes every person having a right of property in such dog **or cat**, and every person who keeps or harbors such dog **or cat**, or has it in his/her care, and every person who permits such dog **or cat** to remain on or about any premises occupied by him/her.

**PREMISES** - **That portion of land owned or occupied by an owner or keeper, not including any portion of such land that is accessible to the public as a right of way.**

**Section 3.** Chapter §52-3 of the Code of the Town of Georgetown is hereby amended as follows:

**§ 52-3 Public nuisances prohibited**

**It shall be unlawful for any owner or keeper to permit a dog or cat to create a nuisance as defined by this Ordinance.**

~~§ 52-3. Appointment and duties of Dog Catcher; records to be kept.~~

~~The Mayor, with the approval of a majority of the members of Council, shall appoint a suitable person to act as Dog Catcher for the purposes of enforcing the provisions of this article. Any person so appointed to act as Dog Catcher shall serve at the pleasure of the Mayor. The duties of the Dog Catcher, appointed pursuant to the provisions of this article, shall include, but shall not be limited to, the apprehending and the impounding of any dog found running at large within the corporate limits of the Town of Georgetown contrary to the provisions of this article. The Dog Catcher shall keep a record of each dog apprehended and impounded by him. The record, as kept and maintained by the Dog Catcher, shall include for each dog apprehended and impounded the time, date and place of apprehending and the impounding, the breed, if ascertainable, the color, the sex, the number of the state dog tag, if any, the final disposition and the date of final disposition. A compilation of the records of the Dog Catcher setting forth the information required above shall be maintained at the office of the Town Council.~~

~~§ 52-4. Notice of impoundment.~~

~~It shall be the duty of the Dog Catcher to give notice to the owner, if ascertainable, by registered mail with return receipt requested, within 72 hours from the time that the dog is apprehended and impounded. Such notice shall contain the information, or as much of it as is applicable, as is required to be kept and maintained by the Dog Catcher in accordance with § 52-3 of this article. It shall also be the duty of the Dog Catcher to post or cause to have posted in the offices of the Town Council within 72 hours following the time of apprehending and impounding notice of the apprehending and the impounding of each dog. Said notice shall contain the information, or so much of it as is applicable, as is required to be kept and maintained by the Dog Catcher in accordance with § 52-3 of this article.~~

~~§ 52-5. Claiming of dogs.~~

~~The owner of any dog apprehended and impounded by the Dog Catcher may reclaim said dog upon the payment of any fine and costs imposed for any violation of this article and a charge of \$1 per day from the date of apprehension and impounding as the cost of keeping and maintaining the said dog.~~

§ 52-6. Disposition of unclaimed dogs.

~~Any dog apprehended and impounded by the Dog Catcher in accordance with the provisions of this article may, if not reclaimed by owner following the expiration of five days from the date of receipt of the registered notice by the owner or from the date of the posting of the notice in the offices of the Town Council, whichever is later, be turned over and released to the State Dog Warden for disposition in accordance with the provisions of the Game and Fish Laws and Regulations, or the Dog Catcher may release the dog to a person other than the owner upon the payment of the charge imposed for keeping and maintaining the dog; provided, however, that any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but shall be forthwith destroyed without the necessity of giving any notice.~~

**Section 4.** Chapter §52-7 of the Code of the Town of Georgetown is hereby amended as follows:

§ 52-74. Violations and penalties.

Any person violating any provision of this article shall pay such fines as set out in Chapter **1**, Article **III**, General Penalty.

**Section 5.** This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

**BE IT ENACTED** by the Town Council of the Town of Georgetown, Delaware on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
William E West, Mayor

\_\_\_\_\_  
Steve M Hartstein, Secretary

1<sup>st</sup> Reading: April 13, 2016  
2<sup>nd</sup> Reading: April 27, 2016  
Adoption: April 27, 2016



**ORDINANCE 2016-6**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN,  
CHAPTER 165 THEREOF, ENTITLED PROPERTY MAINTENANCE**

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND  
HEREBY ORDAINS:

**Section 1.** Chapter 165, Article II, § 165-18 of the Code of the Town of Georgetown  
is hereby amended as follows:

**Drying of clothes.**

**Clothes hung or placed to dry on roofs, walls, fences, stairs, trees, bushes or carport  
areas where such is viewable from the public right-of-way within the Town of  
Georgetown are declared a public nuisance.**

**Section 2.** This Ordinance shall become effective following its adoption by a  
majority vote of all members elected to the Town Council.

**BE IT ENACTED** by the Town Council of the Town of Georgetown, Delaware on the  
\_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
William E West, Mayor

\_\_\_\_\_  
Steve M Hartstein, Secretary

1<sup>st</sup> Reading: April 13, 2016  
2<sup>nd</sup> Reading: April 27, 2016  
Adoption: April 27, 2016



**TOWN OF GEORGETOWN, DELAWARE  
RESOLUTION 2016-2**

**Establishing a Façade, Sign and Awning  
Improvement Grant Program of the Town of Georgetown**

**WHEREAS**, the Town of Georgetown has been working to revitalize the East Market Street Business District, extending from The Circle to Layton Avenue, and

**WHEREAS**, the Town of Georgetown has formed the Historic District Study Committee, focusing on the permitted uses and potential expansion of the downtown historic district, and

**WHEREAS**, the Town of Georgetown has been working with Heritage Consulting on the development of Downtown Design Standards, and

**WHEREAS**, the Town of Georgetown recognizes the economic importance of the East Market Street Business District, and

**WHEREAS**, the Town of Georgetown wishes to demonstrate financial support for the business along the East Market Street Business District,

**NOW THEREFORE**, be it hereby resolved by the Town Council of the Town of Georgetown, Delaware, as follows:

1. Establishment of a Façade, Sign and Awning Improvement Grant Program;
2. Funding for the grant program shall be \$3,000.00, provided from Realty Transfer Tax revenues;
3. A maximum of six (6) grant awards may be made at an amount not to exceed \$500.00;
4. Annually, prior to May 1<sup>st</sup> of each year, the program shall be reviewed and renewed if appropriate; and
5. The Town Manager is directed to prepare and present the necessary guidelines and application for this grant program.

**ADOPTED** by the Town Council of the Town of Georgetown, Delaware on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

\_\_\_\_\_  
William E West, Mayor

\_\_\_\_\_  
Steve Hartstein, Secretary