

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, March 11, 2015
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

7:00 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of February 25, 2015 Town Council Minutes
5. 2nd Presentation of FY16 Budget
6. Jefferson, Urian, Doane & Sterner, PA – Audit Services for 2015, 2016, and 2017
7. 2nd Reading & Adoption of Ordinances
 - A. Ordinance #2015-2 Supportive Housing Facility
 - B. Ordinance #2015-4 Signs in UB1 and UB2
8. Departmental Reports
 - A. Gene Dvornick – Town Manager
 - B. Ralph Holm – Interim Chief of Police
9. Public Comment
10. Executive Session

The Town Council will meet in Executive Session for discussion of:

 - A. Possible land acquisition,
 - B. A strategy session, with respect to a pending litigation issue.
11. 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).

Jefferson, Urrian, Doane & Sterner, P.A.

A PROFESSIONAL CORPORATION • CERTIFIED PUBLIC ACCOUNTANTS

DAVID C. DOANE, CPA
CHARLES H. STERNER, JR., CPA, CVA
SHELDON L. FORNEY, CPA
JAY M. STEVENS, CPA, PFS
ROGER R. REED, CPA
ELAINE E. GRAVES, CPA
BRYAN L. HUDSON, CPA
FREDERICK A. MAST, CPA

TRUITT W. JEFFERSON, CPA, DIRECTOR
RETIRED

DAVID R. URIAN, CPA, DIRECTOR
RETIRED

Town Council
Town of Georgetown
39 The Circle
Georgetown, DE 19947

We are pleased to confirm our understanding of the services we are to provide Town of Georgetown for the years ended April 30, 2015, 2016 and 2017. We will audit the financial statements of the governmental activities, the business-type activities, and each major fund, which collectively comprise the basic financial statements, of Town of Georgetown as of and for the years ended April 30, 2015, 2016, and 2017. Accounting standards generally accepted in the United States (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Town of Georgetown's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedure to Town of Georgetown's RSI in accordance with auditing standards generally accepted in the United States of America and comparing the information. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. Pension Funding Information

We have also been engaged to report on supplementary information other than RSI that accompanies Town of Georgetown's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Schedule of expenditures of federal awards (if necessary).
2. Schedule of General Fund Revenues and other Financing Sources - Budget to Actual.
3. Schedule of General Fund Expenditures and other Financing Uses - Budget to Actual.
4. Property Assessments

Audit Objectives

The objective of our audit is the expression of opinions on whether your basic financial statements are fairly presented, in all material respects, in conformity with GAAP and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on -

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* (if necessary).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standings* in considering the entity's internal control and compliance. The OMB Circular A-133 report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996 (if necessary); and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133 (if necessary), and other procedures we consider necessary to enable us to express such opinions. Our reports will be addressed to the Town Council of the Town of Georgetown. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

Management Responsibilities

Management is responsible for the financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying all federal awards received and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedules of expenditures of federal awards, and related notes. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You agree to assume all management responsibilities relating to the financial statements, schedule of federal awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferable from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Management is responsible for (a) establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (b) following laws and regulations; (c) ensuring that there is reasonable assurances that government programs are administered in compliance with compliance requirements; and (d) ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review during the audit.

You are responsible for preparation of the schedule of expenditures of federal awards (including notes and noncash assistance if necessary) in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with the presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (a) you are responsible for preparation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (b) that you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (a) you are responsible for presentation of the supplementary information in accordance with GAAP; (b) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures - General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse. With regard to using the auditor's report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors or any fraudulent financial reporting or misappropriations of assets that come to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of fixed assets, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures - Internal Controls

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133 (if necessary).

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133 (if necessary).

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Town of Georgetown's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 (if necessary) requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of Town of Georgetown's major programs. The purpose of these procedures will be to express an opinion on Town of Georgetown's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133 (if necessary).

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form (if necessary) that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Jefferson, Urian, Doane & Sterner, P.A. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a State Agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Jefferson, Urian, Doane & Sterner, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by any Federal or State Agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation. It is our Firm's policy to return all of your original documents at the conclusion of our engagement. Financial statements and schedules provided to you should be retained for your records. Our files will consist of our work products which will be retained in accordance with our record keeping policy for ten years.

In rendering professional services, we may communicate by facsimile transmission or by transmitting data over the internet, utilizing either electronic mail or computer software designed for this purpose. Such communications may include information that is confidential to you. Our firm employs measures in the use of facsimile machines and computer technology designed to protect client confidentiality and maintain data security. While we will use our best efforts to keep such communications secure in accordance with our obligations under applicable laws and professional standards, we have no control over the unauthorized interception of this data once it has been transmitted outside of our firm. By signing this letter, you consent to the use of this technology to facilitate our services to you. If you need to request that we forward a copy of your financial report or any other data about you to another party (i.e. lender), we will require your permission in writing or via email in order to release the information.

We expect to begin our audit on approximately June 1 and to issue our reports by July 31 for each of the years audited if the required information is available. Sheldon L. Forney, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fees for these services will be \$ 22,500, \$ 23,300, and \$ 24,200 for the years ended April 30, 2015, 2016, and 2017, respectively, exclusive of any services related to OMB Circular A-133. Services related to OMB Circular A-133 will be billed separately at 75% of our regular standard rates which range from \$ 50 to \$ 260 per hour. Other additional services, which include but are not limited to interim conferences, payroll assistance, reviewing interim financial information and reports for other governmental agencies will also be billed separately at 75% of our normal rates. Further, you are required to designate a qualified management-level individual to be responsible and accountable for overseeing these other additional services. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. The above fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audits. If significant additional time is necessary, we will discuss it with you before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2013 peer review report accompanies this letter.

We appreciate the opportunity to be of service to Town of Georgetown and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Jefferson, Urian Doane & Sterner P.A.

Jefferson, Urian, Doane & Sterner, P.A.

RESPONSE:

This letter correctly sets forth the understanding of Town of Georgetown.

By: _____

Title: _____

Date: _____



ORDINANCE 2015-2

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

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN, DELAWARE:

Section 1. The Code of the Town of Georgetown, Delaware is hereby amended to add the following:

§230-5. Definitions.

SUPPORTIVE HOUSING – This term shall collectively refer to housing for Persons who may be considered disabled, handicapped or in recovery from chemical dependency, under federal or Delaware law, and shall include the following categories of defined housing in this Section: “Developmental Disability Facilities” (Group Home, Neighborhood Home, Rest (Family Care) Home); “Mental Health Facility” (Group Home); “Sober House – Licensed”; and “Sober House – Self Governed.” “Transitional Housing” is a type of Supportive Housing for homeless or at-risk homeless, and is considered “Supportive Housing”, but is not, as defined herein, housing specifically targeted to serve persons who are considered disabled, handicapped or in recovery from chemical dependency.

Supportive Housing Facilities capable of serving 10 or fewer residents shall be considered a single family residential use. See §230-259 Supportive Housing Zoning Matrix.

Supportive Housing Facilities capable of serving between 11 and 19 residents shall be considered a multiple family residential use. See §230-259 Supportive Housing Zoning Matrix.

Supportive Housing Facilities capable of serving 20 or more residents must apply for and obtain a conditional use permit for operation in certain districts, as noted in §230-259 Supportive Housing Zoning Matrix.

Section 2. The Code of the Town of Georgetown, Delaware is hereby amended to add the following:

ARTICLE XXX Supportive Housing

§230-246. Introduction

§230-247. Declaration of Policy

§230-248. Registration Requirement

§230-249. Separation Requirement.

§230-250. Compliance with other zoning requirements.

- §230-251. Reasonable Accommodation/Appeal.
- §230-252. Requesting reasonable accommodation.
- §230-253. Application
- §230-254. Jurisdiction and proceedings.
- §230-255. Findings.
- §230-256. Appeals.
- §230-257. Fees.
- §230-258. Recordkeeping.
- §230-259. Supportive Housing Zoning Matrix.

§230-246. Introduction.

The Town of Georgetown recognizes that Supportive Housing offers individuals opportunities for involvement in community life, while residing in safe, affordable housing.

§230-247. Declaration of Policy.

The Town Council of the Town of Georgetown, Delaware, hereby declares it to be the policy of the Town to adopt, ratify and implement in the operations of Town government, the anti-discrimination laws and policies embodied in Delaware and Federal law, as to housing and zoning issues, including but not limited to the Federal Fair Housing Act and Amendments (FHAA), 42 U.S.C. Ch. 45 and the Delaware Fair Housing Act, 6 Del.C. Ch. 46. It is further the policy of the Town to provide an administrative procedure through which any disputes concerning the same may effectively and expeditiously be resolved with fairness and due process for all parties concerned.

§230-248. Registration Requirement.

Owners and operators of Supportive Housing Facilities must obtain any necessary Town license(s) and register the facility with the Town Planning Department on forms provided for that purpose and certify compliance with all applicable ordinances. If a Supportive Housing Facility is licensed by the State, it shall provide a current copy of that license. Owners and Operators of Supportive Housing Facilities must notify the Planning Department of any change of use, change in maximum number of residents, transfer or termination of a Supportive Housing use, and revise the facility registration as appropriate.

§230-249. Separation Requirement.

It is necessary and desirable to provide suitable sites for Supportive Housing Facilities in residential areas and in various zoning classifications provided that, in furtherance of the goals of de-institutionalization and dispersal, and to facilitate the full integration of residents of Supportive Housing Facilities into the community, no Supportive Housing Facility may be located less than five hundred (500) feet from any other Supportive Housing Facility, measured from property line to property line. This provision shall not apply to any Facilities considered “single family residences” under this Chapter.

§230-250. Compliance with other zoning requirements

Supportive Housing Facilities shall be expected to comply with all zoning and housing requirements (e.g. exterior appearance, occupancy limits, signage, etc.) in the same manner as other properties in the same zoning classification.

§230-251. Reasonable accommodation/appeal.

Notwithstanding any other provision of this Code to the contrary, any individual, group or entity aggrieved by any action or regulation of the Town regarding a Supportive Housing Facility may make a request for reasonable accommodation from any provision of the Code by which they are aggrieved, pursuant to the procedures set forth in this Chapter.

It is the policy of the Town of Georgetown to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing. This Chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning, policies, practices and procedures of the Town of Georgetown to comply fully with the intent and purpose of fair housing laws.

§230-252. Requesting Reasonable Accommodation.

In order to make specific housing available to one (1) or more individuals with disabilities, a disabled person or a person acting on his or her behalf at his or her request (collectively, the "applicant") may request a reasonable accommodation relating to the various land use or zoning rules, policies, practices and/or procedure of the Town applicable to such housing.

§230-253. Application.

1. A request by an applicant for reasonable accommodation relating to land use or zoning rules, policies, practices and/or procedures shall be made in writing on a reasonable accommodation request form provided by the Town of Georgetown. The form shall contain:

a. The address and current zoning for the property;

b. The name, phone number and address of the owner of the fee interest of the property (if other than the applicant);

c. The nature of the disability that requires the reasonable accommodation. In the event that the specific individuals who are expected to reside at the property are not known to the applicant in advance of making the application, the applicant shall not be precluded from filing the application, but shall submit details describing the range of disabilities that prospective residents are expected to have to qualify for the housing. The applicant shall notify the Town, in the event the residents at the location are not within the range described. The Town shall then determine if an amended application and subsequent determination of reasonable accommodation is appropriate;

d. The specific type(s) of accommodation (e.g. waiver or modification of applicable rule or policy) requested by the applicant. To the extent practicable, this portion should include information concerning the impact of the reasonable accommodation on the adjoining properties and area, the number of people who are expected to be availing themselves of the reasonable accommodation, the estimated number of people in an average week who will be necessary to provide services to the person(s) with disabilities at the property on an on-going basis, whether or not this type of reasonable accommodation is required to obtain a license from any State or County authority to operate, and any other information the applicant thinks would assist in determining the reasonableness of the accommodation;

e. The applicant should also note, if known, whether this accommodation requires any additional licensure from the Town (e.g., business or rental license); and

f. Whether the accommodation requested may be necessary to afford one (1) or more disabled persons equal opportunity to use and enjoy a specific dwelling, identifying such persons, if known.

g. A statement by the applicant, along with any supporting information, about why such accommodation is necessary in order to meet the particular needs of the residents, or why the accommodation is of therapeutic benefit to the residents.

The applicant shall furnish the Town all information necessary for processing the reasonable accommodation request, including any additional information which the Town may request or deem necessary to complete and evaluate a reasonable accommodation request form.

2. The applicant is entitled to be represented at all stages of the proceedings identified in this Section by a person designated by the applicant.

3. Should the information provided by the applicant to the Town include medical information or records of the applicant, including records indicating the medical condition, diagnosis or medical history of the applicant, the applicant may, at the time of submitting such medical information, request that the Town, to the extent allowed by law, treat such medical information as confidential information of the applicant.

4. The Town shall provide written notice to the applicant, and any person designated by the applicant to represent the applicant in the application proceeding, of any request received by the Town for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the Town. The Town will cooperate with the applicant, to the extent allowed by law, in actions initiated by the applicant to oppose the disclosure of such medical information or documentation.

§230-254. Jurisdiction and Proceedings.

1. The Town Manager, or his/her designee ("Town Manager/designee"), shall have the authority to consider and act on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the Town, it will be referred to the Town Manager/designee for review and consideration. The Town Manager/designee shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may:

a. Grant the accommodation request, or

b. Deny the request, in accordance with law.

Any such denial shall be in writing and shall state the grounds therefor. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation in the appeals process. The notice of determination shall be sent to the applicant by certified mail, return receipt requested and by regular mail.

2. If reasonably necessary to reach a determination on the request for reasonable accommodation, the Town Manager/designee may, prior to the end of said thirty (30) day period, request additional information from the applicant, specifying in detail what information is required. The applicant shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the thirty (30) day period to issue a written determination shall be stayed. A written determination shall be issued by the Town Manager/designee within thirty (30) days after receipt of the additional information. If the applicant fails to provide the requested additional information within said fifteen (15) day period, a written determination shall be issued by the Town Manager/designee within thirty (30) days after expiration of said fifteen (15) day period.

§230-255. Findings.

The following findings, while not exhaustive of all considerations and findings that may be relevant, must be made before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record relating to such approval or denial:

1. Whether the accommodation requested may be necessary to afford one (1) or more persons with disabilities equal opportunity to use and enjoy a specific dwelling;

2. Whether the requested accommodation would require a fundamental alteration to the Town's zoning scheme; and

3. Whether the requested accommodation would impose undue financial or administrative burdens on the Town.

A request will be considered “reasonable” only if the answers to both findings (2) and (3) above is “no.”

If a request for reasonable accommodation is approved, the written determination may specify any relevant standards and conditions that the Supportive Housing Facility shall follow, including but not limited to, the maximum number of residents based upon State law (e.g. Fire Marshal) and Town Code, specifics of operation, and parking plan.

This Section does not obligate the Town to grant any accommodation request unless required by Federal or Delaware State law.

§230-256. Appeals.

1. Within thirty (30) days after the date the Town Manager/designee mails a written adverse determination, to the applicant, the applicant requesting reasonable accommodation may appeal the adverse determination to the Board of Adjustment.

2. All appeals shall contain a statement of the specific grounds for the appeal.

3. The Town will provide the applicant with the necessary information as to how to file and process an appeal. Applicants are entitled to be represented at all stages of the administrative appeal proceeding by a person designated by the applicant.

4. Appeals shall be to the Board of Adjustment, which shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed. All determinations on appeal shall address and be based upon the findings identified in §230-255 of this article.

5. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

§230-257. Fees.

The Town shall not impose any additional fees or costs in connection with a request for reasonable accommodation under the provisions of this Article or an appeal of a denial of such request by the Town Manager/designee. However, nothing in this Article obligates the Town to pay an applicant's attorney fees or costs.

§230-258. Recordkeeping.

The Town shall maintain records of all requests submitted under the provisions of this Article, and the Town's responses thereto.

§230-259. Supportive Housing Zoning Matrix.

SUPPORTIVE HOUSING ZONING MATRIX														
LEGEND: P = Permitted; N = Not Permitted; CU = Conditional Use														
Use	UR1 - Urban Residential	UR2 - Medium Residential	UR3 - Neighborhood Residential	MR1 - Multifamily Residential	MR2 - Townhouse Residential	UB1 - Urban Business	UB2 - Neighborhood Business	UB3 - Professional Business	HC - Highway Commercial	LI1 - Limited Industrial	LI2 - Light Industrial	HD - Historic	ED - Education	AR1 - Agricultural
	RESIDENTIAL					BUSINESS AND COMMERCIAL				INDUSTRIAL		MIXED		
Supportive Housing Facility, serving 10 or fewer residents	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Supportive Housing Facility, serving between 11 and 19 residents	N	N	N	P	P	N	N	N	P	P	P	N	N	N
Supportive Housing Facility, serving 20 or more residents	N	N	N	CU	CU	N	N	N	P	P	P	N	N	N

Section 3. This ordinance shall become effective upon its adoption by a majority of the 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., 2015.

Bill West, Mayor

Chris Lecates, Secretary

1ST Reading: February 25, 2015
2nd Reading: March 11, 2015
Adoption: March 11, 2015

DRAFT



ORDINANCE NO. 2015-4

**AN ORDINANCE TO AMEND THE CODE TO THE
TOWN OF GEORGETOWN, CHAPTER 230, ZONING**

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

Section 1. Chapter §230, Zoning, of the Code of the Town of Georgetown is hereby
amended as follows:

§ 230-167. Signs permitted in UB1 Districts.

The following signs may be erected and maintained in a UB1 Urban Business District:

- F. No more than two signs are permitted per permitted use, only one of which may be a
ground sign. **A corner lot may have one (1) additional detached, on-premise sign
adjacent to a second entrance or one (1) wall sign. Wall sign shall not exceed a
maximum of 20 square feet or 10 percent of the wall area.**

§ 230-168. Signs permitted in UB2 Districts.

The following signs may be erected and maintained in a UB2 Neighborhood Business District:

- B. One detached on-premises sign or combination of signs, with total signage not to exceed
12 square feet of area, nor eight feet in height, identifying the permitted business uses on
the premises. Said sign may be externally illuminated, but the source of illumination must
be arranged so that no direct rays of light are projected into any single-family residential
district or any public street. **A corner lot may have one (1) additional detached, on-
premise sign adjacent to a second entrance or one (1) wall sign. Wall sign shall not
exceed a maximum of 20 square feet or 10 percent of the wall area.**

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., 2015.

Bill West, Mayor

Chris Lecates, Secretary

1ST Reading: February 25, 2015

2nd Reading: March 11, 2015

Adoption: March 11, 2015