



# Georgetown

## Town Council Meeting Agenda

Meeting Date: Wednesday, July 10, 2019

Location: First State Community Action Agency, 308 North Railroad Avenue

Time: 7:00 PM Regular Meeting

### 1. PLEDGE OF ALLEGIANCE

### 2. INVOCATION

### 3. ADOPTION OF AGENDA

### 4. APPROVAL OF JUNE 26, 2019 TOWN COUNCIL MINUTES

A.

### 5. PLANNING COMMISSION APPOINTMENTS

2 A. [Letter of Interest \(Justin Illian\) - Planning Commission](#)

### 6. 2ND READING & ADOPTION OF ORDINANCES

3 - 7 A. Ordinance #2019-04 Lodging Tax  
[Ordinance 2019-04 Lodging Tax](#)  
[Town of Georgetown - Monthly Payment Voucher](#)  
[Town of Georgetown - Hotel Tax FAQs](#)

### 7. DEPARTMENTAL REPORTS

8 - A. Gene Dvornick - Town Manager  
16 [Town Manager Report - 2019-07-10](#)  
[Delaware General Assembly Legislative Report \(150 GA - 1st Session\) - Final \(2019-07-10\)](#)  
[DRAFT Easement Design \(2019-07-09\)](#)

### 8. PUBLIC COMMENT

### 9. ADJOURNMENT

The agenda items as listed may not be considered in sequence. This agenda is subject to change, at or before the meeting, to include the addition or deletion of items, including executive sessions. Persons 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 American with Disabilities Act (ADA).

**Kristen Dabrowski**

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**To:** Jocelyn Godwin  
**Subject:** RE: Letter

**From:** Justin Illian <[justin.illian7@gmail.com](mailto:justin.illian7@gmail.com)>  
**Date:** July 8, 2019 at 8:09:48 PM EDT  
**To:** "[Bwest@georgetowndel.com](mailto:Bwest@georgetowndel.com)" <[Bwest@georgetowndel.com](mailto:Bwest@georgetowndel.com)>  
**Subject:** Fwd: Letter

July 8, 2019

Town of Georgetown  
Planning Department  
37 The Circle  
Georgetown, DE 19947

To Whom It May Concern,

I am interested in becoming a member of the Planning Commission and ask that you consider me for one of the current open seats. I am a resident and homeowner in the town of Georgetown.

As an interested member in our community I like to volunteer my time, skills and talents to assist in planning the future of our town. I am currently employed with Tidewater Utilities and a Marine Corps Veteran. I obtained a degree in Organizational Management from Wilmington University.

I respectfully request your support in being appointed to the Town of Georgetown Planning Commission.

I would be happy to provide my resume or answer any questions you may have.

Thank you for your consideration.

Sincerely,

Justin Illian



**ORDINANCE 2019-04**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN,  
CHAPTER 199 THEREOF, ENTITLED TAXATION**

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

**Section 1.** Chapter 199, Taxation is modified as follows:

**Article III. Lodging Tax**

**§ 199-20. – Definitions.**

- A. **Definitions. The definitions set forth in 30 Del. C. § 6101 (Lodging Tax Definitions) are hereby incorporated by reference.**

**§ 199-21. – Levy of Tax; Collection; Payment.**

- A. **A local lodging tax is hereby levied of three percent (3%) of the cost of the rent, in addition to the amount imposed by the State, for any room or rooms in a hotel, motel or tourist home within the boundaries of the Town of Georgetown, and as defined in 30 Del. C. §6101.**
- B. **The local lodging tax, pursuant to this ordinance, is the responsibility of the occupant of the room and shall be collected at the time the rental is paid. Operators of the hotel, motel or tourist home are responsible for the collection of the local lodging tax and the remittance of the taxes to the Town of Georgetown not later than the fifteenth (15<sup>th</sup>) day of the month following the month of collection on forms to be prescribed by the Town of Georgetown.**
- C. **The local lodging tax imposed shall be shown on the billing to the occupant as a separate and distinct item.**

**§ 199-22. – Late penalty; abatement.**

- A. **A penalty at the rate of one and one half percent (1 ½%) per month, or fraction thereof, shall be charged on payment made after the prescribed due date.**

**B. Upon written notice and supporting documentation, to the Town of Georgetown, the Town Manager hereby is authorized to abate penalty up to and including the requested amount of abatement, for good cause. The Town Manager is not authorized to abate principal.**

**Section 2.** The effective date for the provisions in this Ordinance shall be August 1, 2019. Accordingly, operators shall remit to the Town of Georgetown the lodging tax imposed herein for August 2019 no later than September 15, 2019.

**Section 3.** 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., 2019.

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

\_\_\_\_\_  
Robert L. Holston, Jr., Secretary

#### Synopsis

This ordinance enacts a lodging tax for the Town of Georgetown and outlines the applicability, collection, payment, penalty, and effective date.

1<sup>st</sup> Reading: June 26, 2019

2<sup>nd</sup> Reading: July 10, 2019

Adoption: July 10, 2019

# FOR INFORMATION ONLY

## TITLE 30

### State Taxes

#### Public Accommodation Taxes

#### CHAPTER 61. LODGING TAX

#### Subchapter I. Lodging Tax Collection

#### § 6101 Definitions.

As used in this chapter:

- (1) "Hotel" means any person engaged in the business of operating a place where the public may, for a consideration, obtain sleeping accommodations and meals and which has at least 6 permanent bedrooms for the use of guests, excluding, however, any charitable, educational or religious institution, summer camp for children, hospital or nursing home.
- (2) "Motel" means any person engaged in the business of furnishing, for a consideration, transient guests with sleeping accommodations, bath and toilet facilities, linen service and a place to park an automobile.
- (3) "Occupancy" means the use or possession or the right to the use or possession by any person other than a permanent resident of any room or rooms in a hotel, motel or tourist home for any purpose or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.
- (4) "Occupant" means any person other than a permanent resident who for a consideration, uses, possesses or has a right to use or possess any room or rooms in a hotel, motel or tourist home under any lease, concession, permit, right of access, license or agreement.
- (5) "Operator" means any person operating a hotel, motel or tourist home.
- (6) "Permanent resident" means any occupant who has occupied or has the right to occupancy of any room or rooms in a hotel, motel or tourist home for at least 5 consecutive months.
- (7) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits and property or services of any kind or nature and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.
- (8) "Tourist home" means any person who operates a place where tourists or transient guests, for a consideration, may obtain sleeping accommodations and which has at least 5 permanent bedrooms for the use of tourists or transient guests, but which does not have cooking facilities for the use of tourists or transient guests.



## LODGING TAX MONTHLY PAYMENT VOUCHER

(Pursuant to Town Code, Chapter 199, Article III Lodging Tax)

Tax applies to all operators within the Town of Georgetown's corporate limits with a state license for:  
Hotels, Motels and Tourist Homes.

Hotel/Business Name: \_\_\_\_\_

Hotel/Business Property Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

TAX PERIOD: \_\_\_\_\_

TOTAL RENTS RECEIVED: \_\_\_\_\_

TAX RATE: 3%

TOTAL TAX DUE: \_\_\_\_\_

**Payment is due on the 15<sup>th</sup> of the month following collection.**

**I declare under penalties of perjury, that this a true, correct and complete return.**

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please make check payable to "Town of Georgetown"

Complete this voucher and return it with your check to:

**Town of Georgetown  
37 The Circle  
Georgetown, DE 19947**

**Please note: Checks returned for any reason to the Town of Georgetown may be subject to additional fees.**

If you need assistance or have any questions, please call (302) 856-7391



## HOTEL TAX FREQUENTLY ASKED QUESTIONS

**Background:** On June 13, 2019, the Delaware General Assembly enacted Senate Bill No. 64 (SB 64), which authorized the Town of Georgetown to adopt a three percent (3%) tax on public accommodations. On June 19, 2019, Governor John Carney signed SB 64 into law. The Town of Georgetown's base is identical to the State tax. In other words, all receipts included for the purposes of State tax compliance, should be included on your Town of Georgetown filings.

**Q: When does Georgetown's hotel tax take effect?**

A: *The tax is effective for reservations or contracts paid in full on or after August 1, 2019.*

**Q: What is Georgetown's hotel tax rate?**

A: *Georgetown's hotel tax rate is three percent (3%).*

**Q: How do I make my monthly payment?**

A: *Town of Georgetown hotel tax payments should be made by completing the payment voucher available at <http://www.georgetowndel.com/Lodging-Tax-Information/>. Once completed, the voucher should be printed and mailed along with your check or money order made payable to "Town of Georgetown" to:*

***Town of Georgetown  
37 The Circle  
Georgetown, DE 19947***

*Alternatively, you can bring your completed voucher with your check or money order to the Town Administrative Office, 37 The Circle, Georgetown, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.*

**Q: What is the payment schedule?**

A: *Payments are due on the 15<sup>th</sup> day of the following month. For example, payments for the month of August 2019 are due on September 15, 2019.*

**Q: What is the penalty for a late payment?**

A: *A penalty at the rate of one and one half percent (1 ½ %) per month, or fraction thereof, will be charged on payments made after the prescribed due date.*

**Q: What if I have questions, or need additional information?**

A: *Contact Gene Dvornick (Town Manager) or Laura Givens (Finance Department) at (302) 856-7391.*

## **TOWN MANAGER REPORT**

### **July 10, 2019**

#### **Lodging Tax**

With the passing of Ordinance 2019-04 imposing the Lodging Tax, staff and I are scheduling appointments with the manager at each of the hotels in town to explain the ordinance and reporting requirements. We have added information to our website with the enabling legislation (SB 64), the adopted Ordinance, and the Payment Voucher Form.

#### **Edward Street Storm Water Conveyance Pipe**

Public Works is in the process of determining the extent of a corrugated pipe failure along the Northern side of Edward Street from Robinson to Teal Court.

#### **Vacant Building Registration**

The Town is in the process of creating and mailing invoices for 20 vacant building registrations. All of the properties have been entered into our Code Enforcement Reporting System for follow up every six months.

#### **Updates**

A few updates on current projects:

- 39 The Circle
  - Substantial Completion took place on July 9
- Burger King Road
  - Storm water pond rehabilitation and drainage improvements are ongoing
- Cycling Infrastructure Innovation Grant
  - Application for \$17,000 was prepared and submitted – A site visit is next with final selection in October
- Georgetown to Lewes Bicycle Easement
  - Simone Collins has meet with property owners and a revised easement location has been developed

#### **Miscellaneous**

- Legislative Update
- Reminders:
  - **Kimmevtown Community Day:** Saturday, July 20 from 9:00 AM – 3:00 PM
  - **Town Hall and Annex Dedication Ceremony:** Thursday, August 22 at 10:00 AM
  - **Sussex County Association of Towns:** Summer Recess
  - **Delaware League of Local Governments:** Summer Recess

Reviewed by Town Solicitor



## Town of Georgetown First Session, 150<sup>th</sup> Delaware General Assembly Final Legislative Report

Prepared By:  
Eugene S. Dvornick, Jr., Town Manager  
July 10, 2019

Bill	Description	Position	Status	
HB 17	Tax Intercept Priority – Municipal and School Taxes	Support	Out of Committee (03/06/19)	
HB 32	Decreasing the Realty Transfer Tax	Neutral	Tabled in Committee (03/06/19)	
HB 36	Liens on Real Estate Assessment Taxes	Support	Stricken (03/05/19)	
HB 38 w/ HA 1	In Person Early Voting	Neutral	<b>Signed by Governor (06/30/19)</b>	
HB 39 w/ HA 1	Election Day Registration	Neutral	Out of Committee (03/13/19)	
HB 41	Primary Elections – 4 <sup>th</sup> Tuesday in April	Neutral	PASSED (01/24/19)	Elections/Government & Community Affairs (01/25/19)
HB 47	Minimum Wage	Neutral	Economic Development/Banking/ Insurance and Commerce (01/24/19)	

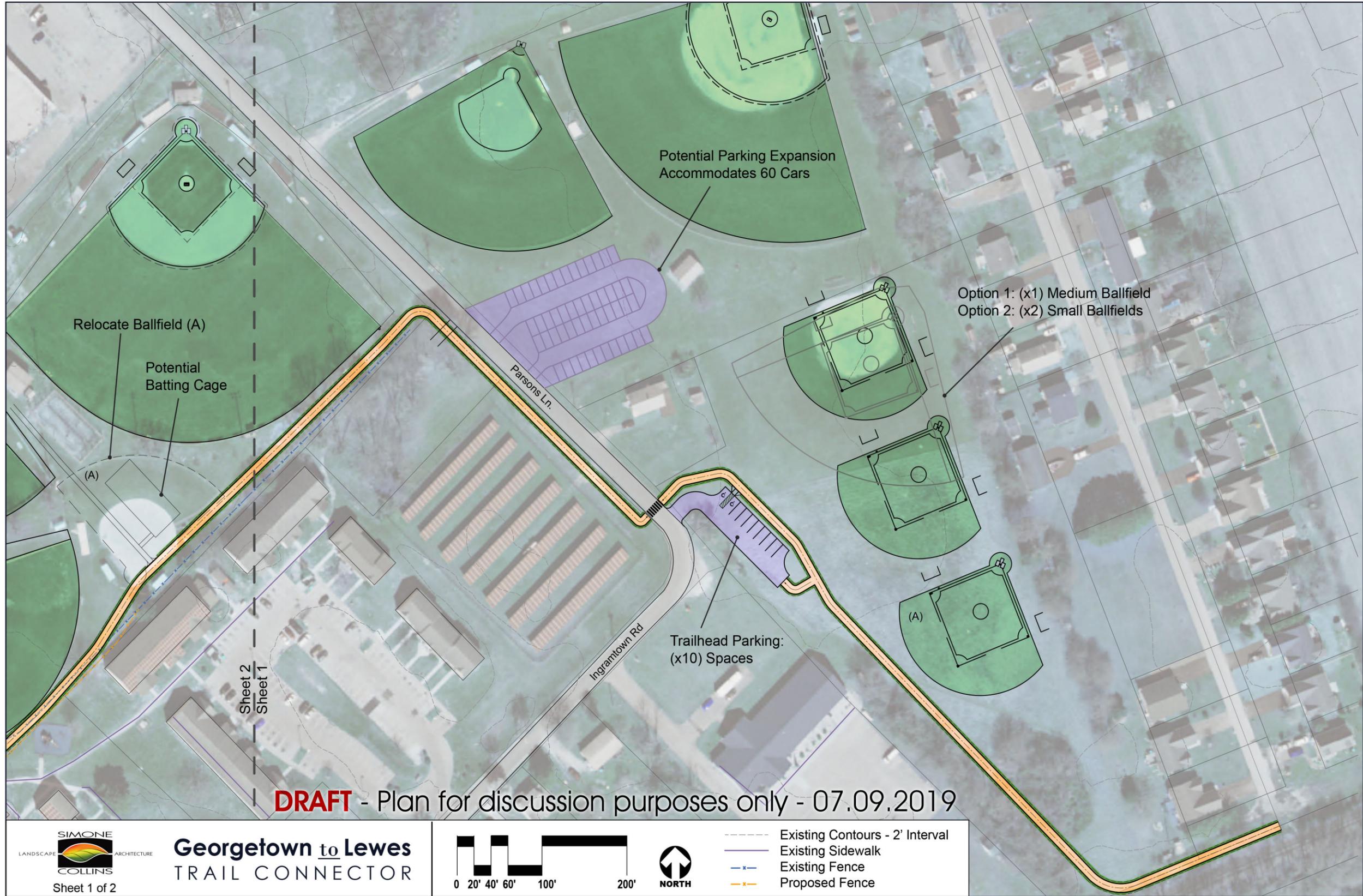
HB 50	Budget (Governor's Recommended)	Under Review	Appropriations (01/24/19)	
HB 51	One-Time Supplemental Appropriation to OMB	Neutral	Appropriations (01/24/19)	
HB 54	DELJIS Fund (Ongoing Funding)	Support	Stricken (06/04/19)	
HB 60	Community College Infrastructure Fund	Under Review	Administration (02/28/19)	
HB 65 w/ HA 2	Solar Panels and Restrictive Covenants	Neutral	<b>PASSED</b> (06/30/19)	<b>PASSED</b> (07/01/19)
HB 66	Biennial Capital Transportation Plan	Support	Signed by Governor (05/06/19)	
HB 85	Resignation of Elected Officials Seeking Office	Under Review	Administration (03/13/19)	
HB 110	Marijuana Control Act (Recreational Use)	Oppose	Appropriations (06/06/19) <del>Revenue &amp; Finance</del> (05/16/19)	
HB 111	School Bus Safety Cameras	Support	Out of Committee (04/10/19)	
HB 129	Local School Taxes	Oppose	Education (05/02/19)	

HB 130 w/ HA1, HA 5	Single-use Plastic Bags	Support	PASSED (05/14/19)	PASSED (06/06/19)
HB 147	Municipal Lodging Tax (Title 22)	Neutral	Out of Committee (06/12/19)	
HB 200	Clean Water Act	Under Review	Appropriations (06/06/19)	
HB 203	Regulation of Donation Bins	Under Review	Health & Human Development (06/11/19)	
HB 213	Property Tax Exemption – Veteran with 100% Disability	Under Review	Veteran Affairs (06/11/19)	
HB 225	Budget	Support	Signed by Governor (06/25/19)	
HB 226	One-Time Supplemental Appropriation to OMB	Support	Signed by Governor (06/25/19)	
HB 228	Sussex County Lodging Tax	Support	PASSED (06/20/19)	PASSED (07/01/19)
HB 235 w/ HA 3	Realtor Business License Exemption	Under Review	PASSED (06/30/19)	PASSED (07/01/19)
HB 245	Recovery Housing Accreditation and Licensing	Support	Housing & Community Affairs (06/20/19)	

HB 260	Grant-In-Aid	Support	Signed by Governor (07/01/19)	
SB 7 w/ SA 1	Use of Population Consortium for Projection	Support	Signed by Governor (05/14/19)	
SB 9	Bond and Capital Improvements (Mini-Bond)	Support		Capital Improvement (01/15/19)
SS 1 for SB 9	Bond and Capital Improvements (Mini-Bond)	Support	Signed by Governor (01/28/19)	
SB 11	Compensatory Payment for Certain Properties Exempt Owned by the State (PILOT)	Under Review		Out of Committee (03/06/19)
SB 20	Bond and Capital Improvements (Governor's Recommended)	Under Review		Capital Improvement (01/24/19)
SB 28	Parking in Handicapped Space (Increase in Fines)	Under Review	Signed by Governor (06/05/19)	
SB 29	Parking in Handicapped Space (Increase in Imprisonment)	Under Review		Transportation (03/06/19)
SB 48	<del>Apprentice Training for Large Contracts</del>	Under Review		<del>Labor (03/20/19)</del>
SS 1 for SB 48 w/ HA 1	Apprentice Training for Large Contracts	Under Review	Signed by Governor (06/07/19)	

SB 50	Community College Infrastructure Fund	Oppose		Out of Committee (01/23/19)
SS 1 for SB 50	Community College Infrastructure Fund	Under Review		
SS 2 for SB 50	Community College Infrastructure Fund	Under Review	Signed by Governor (05/16/19)	
SB 56	Liquor Store – Minimum Distances (Municipal 1,200’ to ½ Mile)	Neutral	PASSED (06/04/19)	PASSED (04/16/19)
SB 64	Charter Amendment – Town of Georgetown (Lodging Tax)	Support	Signed by Governor (06/19/19)	
<del>SB 95</del>	<del>Contractor Registration</del>	Under Review		
SS 1 for SB 95	Contractor Registration	Under Review	PASSED (06/30/19)	PASSED (06/04/19)
SB 105	Minimum Wage	Oppose		Labor (05/31/19)
SB 129	Property Tax Exemption – Nonprofits	No Objection		Stricken (06/30/19)
SB 136	Agricultural Operations	No Objection		Out of Committee (06/20/19)

SS 2 for SB 178	Kent County Lodging Tax	No Objection	PASSED (06/30/19)	PASSED (06/26/19)
SB 180	Capital Improvements (Bond Bill)	Support	Signed by Governor (07/01/19)	
Watch List:	Net Energy Metering Renewable Energy Portfolio Short-Term Rental Tax			

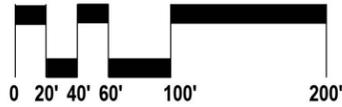


**DRAFT** - Plan for discussion purposes only - 07.09.2019



Sheet 1 of 2

**Georgetown to Lewes**  
TRAIL CONNECTOR



- Existing Contours - 2' Interval
- Existing Sidewalk
- x- Existing Fence
- x- Proposed Fence

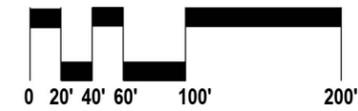


**DRAFT** - Plan for discussion purposes only - 07.09.2019



Sheet 2 of 2

**Georgetown to Lewes**  
TRAIL CONNECTOR



- Existing Contours - 2' Interval
- Existing Sidewalk
- x- Existing Fence
- x- Proposed Fence