



Georgetown

Town Council Meeting Agenda

Meeting Date: Wednesday, June 26, 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 12, 2019 TOWN COUNCIL MINUTES

A.

5. G.R.E.A.T. FUND REQUEST - PLAYGROUND COMMITTEE

6. 1ST READING OF ORDINANCES

- 2 - 4 A. Ordinance #2019-04 Lodging Tax
[Ordinance 2019-04 Lodging Tax \(Final\)](#)

7. DEPARTMENTAL REPORTS

- 5 - A. Gene Dvornick - Town Manager
11 [Town Manager Report - 2019-06-26](#)
[Delaware General Assembly Legislative Report \(150 GA - 1st Session\) \(2019-06-26\)](#)
- 12 B. Eric Rust - Superintendent of the Wastewater Reclamation Facility
[June 26 Dept. Head Report](#)

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).



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 (15th) 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.

1st Reading: June 26, 2019

2nd 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.

TOWN MANAGER REPORT

June 26, 2019

Lodging Tax

With the Governor signing SB 64 and the first reading of Ordinance 2019-04 imposing the Lodging Tax, staff and I will be contacting each of the hotels and requesting a meeting with the manager to share the ordinance and its requirements. We will also add information to our website with the enabling legislation (SB 64), the adopted Ordinance, and the Payment Voucher Form.

Community Development Block Grant

The Town received notification from the Delaware State Housing Authority that as part of the FY 2019 CDBG Allocation, Sussex County was awarded \$70,000 for housing rehabilitation.

Vacant Building Registration

The Town has contacted all owners of structures identified as being vacant and advised them of the new registration requirement. A few are legitimately not vacant as verified by the Code Enforcement Officer (used for storage, serviced with electricity). It is estimated we will end up with approximately 35 to 40 properties being registered.

Updates

A few updates on current projects:

- 39 The Circle
 - Substantial Completion is anticipated for July 9 (following the Fire Marshal inspection on July 8)
- Burger King Road
 - Storm water pond rehabilitation and drainage improvements are ongoing
- Cycling Infrastructure Innovation Grant
 - Application being completed and will be submitted on June 27
- West Market Street Pedestrian Signal
 - Work is completed – signal is fully operational

Miscellaneous

- Legislative Update
- Reminders:
 - **Town Offices Closed:** Thursday, July 4th in observance of Independence Day
 - **Sussex County Association of Towns:** Summer Recess
 - **Delaware League of Local Governments:** Summer Recess

Reviewed by Town Solicitor



Town of Georgetown

First Session, 150th Delaware General Assembly

Legislative Report

Prepared By:
Eugene S. Dvornick, Jr., Town Manager
June 26, 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	PASSED (03/19/19)	PASSED (04/11/19)
HB 39 w/ HA 1	Election Day Registration	Neutral	Out of Committee (03/13/19)	
HB 41	Primary Elections – 4 th 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	Solar Panels and Restrictive Covenants	Neutral	Housing & Community Affairs (03/05/19)	
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) Revenue & Finance (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 (General Assembly)	Support	PASSED (06/20/19)	PASSED (06/25/19)
HB 226	One-Time Supplemental Appropriation to OMB	Support	PASSED (06/20/19)	PASSED (06/25/19)
HB 228	Sussex County Lodging Tax	Support	PASSED (06/20/19)	Finance (06/21/19)
HB 235	Realtor Business License Exemption	Under Review	Out of Committee (06/26/19)	
HB 245	Recovery Housing Accreditation and Licensing	Support	Housing & Community Affairs (06/20/19)	

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	Apprentice Training for Large Contracts	Under Review		Labor (03/20/19)
SS 1 for SB 48 w/ HA 1	Apprentice Training for Large Contracts	Under Review	PASSED (06/04/19)	PASSED (06/06/19)
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 (06/05/19)	
SB 95	Contractor Registration	Under Review		
SS 1 for SB 95	Contractor Registration	Under Review	Labor (06/05/19)	PASSED (06/04/19)
SB 105	Minimum Wage	Oppose		Labor (05/31/19)
SB 129	Property Tax Exemption – Nonprofits	No Objection		Elections/Government & Community Affairs (05/31/19)
SB 136	Agricultural Operations	No Objection		Out of Committee (06/20/19)
SS 2 for SB 178	Kent County Lodging Tax	No Objection		Out of Committee (06/26/19)

Watch List:	Capital Improvements (Bond Bill) Grant-In-Aid Net Energy Metering Renewable Energy Portfolio Short-Term Rental Tax			
-------------	--	--	--	--

Town Council Meeting
June 26, 2019

1) Flows

Influent Flow January – May 2019:

149.1 mg

Gallons Sprayed Town's field

51.3 mg

Gallons Sprayed Baxter's fields

9.6 mg

Gallons Sprayed Pettyjohn's woods

94.5 mg

Lagoon Depths – 75mg, 14.5' 15mg, 6.75'

- 2) We are working with Kappe Associates to get quote to replace existing Pump-X pump at the Main Pumping station. We can no longer get parts for the Pump-X pumps