

Posted: June 21, 2017 @
1:30pm



Georgetown

Town Council Meeting Agenda

Meeting Date: Wednesday, June 28, 2017
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 PM

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1. PLEDGE OF ALLEGIANCE

2. INVOCATION

3. ADOPTION OF AGENDA

4. APPROVAL OF MINUTES

A.

5. 120 WEST MARKET STREET

6. FOP CONTRACT AMENDMENT

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A. [Background - 2016 Contract Amendment Agreement Amendment - Article 7 Paid Holidays \(2017-06-23\)](#)

7. 2ND READING AND ADOPTION OF ORDINANCES

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A. Ordinance #2017-4 Revision to Chapter §230-170 F Signs permitted in HC district, and Chapter §230-176 J Signs permitted in all districts
[Ordinance 2017-04 Signs Permitted in all Districts](#)

8. DEPARTMENTAL REPORTS

11 - 15

- A. Gene Dvornick – Town Manager
[Delaware General Assembly Legislative Report \(149 GA - 1st Session\) \(2017-06-28\)](#)

9. PUBLIC COMMENT

10. ADJOURNMENT

TOWN OF GEORGETOWN MEMORANDUM

TO: Mayor and Council
FROM: Gene Dvornick, Town Manager
RE: Background – 2016 Contract Amendment
DATE: June 26, 2017

Below is a summary of the issue raised concerning the 2016 Contract:

- Section 7.3 Premium Holidays and use of “days” versus “hours” which is inconsistent with other sections of the contract

Timeline:

- January 17, 2017 – Formal grievance letter to Chief Hughes (Step 1)
- January 24, 2017 – Response issued; Grievance denied¹
- February 17, 2017 – Grievance Hearing (Step 2)
- March 10, 2017 – Response issued; Grievance denied
- March 19, 2017 – Received request from FOP to amend the contract
- May 11, 2017 – Proposed Contract Amendment submitted to FOP
- May 30, 2017 – FOP Membership voted to **Approve** the amendment

Should you need additional information, please feel free to contact me directly.

¹ In both denials (January 24 and March 10), the recommendation that “*Should the FOP wish to pursue an amendment, clarifying days and hours for Patrol and Support Services Section employees, they should propose the necessary modifications and submit them for consideration by the Town.*”

AGREEMENT AMENDMENT

The AGREEMENT AMENDMENT entered into effect this _____ day of _____, 2017 by and between the TOWN OF GEORGETOWN, a Municipal Corporation of the State of Delaware, hereinafter referred to as the “Town” or as the “Employer”, and the GEORGETOWN FRATERNAL ORDER OF POLICE BARGAINING UNIT and THEIR ELECTED REPRESENTATIVES are hereinafter referred to as the “Union”, “Employees”, or “Officers”.

WITNESSETH:

WHEREAS, the Town and the Union have entered into a collective bargaining agreement; and
WHEREAS, said agreement was approved by the Town on the 14th day of December, 2016; and
WHEREAS, said agreement was approved by the Union on the 12th day of December, 2016,
NOW THEREFORE, both Town and Union agree to amend Article 7 Paid Holidays, Section 7.3 as presented below:

“If an employee works on the following holidays;

- Christmas Day
- Thanksgiving Day
- New Year’s Day

He/she will receive 12 hours holiday pay at the regular base rate of pay plus be compensated at one and one half times the base rate of pay for hours actually worked. Employees not scheduled to work on the three holidays will receive 12 hours holiday pay at the regular base rate.

Holidays will be observed on the actual day of the holiday, and not necessarily the day recognized by the Town if the holiday should fall on a Saturday or Sunday. In addition to the above holidays, each employee shall have 24 hours of personal time per anniversary year. Personal hours cannot be carried over. Employees shall schedule such personal hours with the approval of the Chief of Police.”

All other Articles and Sections of the Original Agreement remain unchanged.

The parties have executed this Agreement this _____ day of _____, 2017.

[Signature Page Follows]

FOR THE TOWN OF GEORGETOWN:

William E. West
Mayor

Robert L. Holston
Secretary

Stephani J. Ballard
Town Solicitor

FOR THE GEORGETOWN FRATERNAL ORDER OF POLICE:

Mark A. Rogers
President

Joel Diaz
Vice President

Derrick S. Callaway
Secretary



ORDINANCE 2017- 04

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

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

Section 1. Chapter 230, Article XXII Signs, § 230-170 Signs permitted in HC Districts of
the Code of the Town of Georgetown is hereby amended as follows:

§ 230-170. Signs permitted in HC Districts.

The following signs may be erected and maintained in HC Highway Commercial District:

F. Electronic message board signs. For any sign which meets the definition of electronic message
board sign, the following provisions shall apply:

- ~~1) The sign category for the zone in which the sign is proposed must allow for internal illumination of signs, except as provided in this section. Electronic message board signs shall only be permitted for Highway Commercial zoned properties with frontage on U.S. Route 113 and institutional uses in any district, following the sign requirements for the underlying zone in which the institutional use is located.~~
- ~~2) The maximum sign area for an electronic message board, which is detached, shall be no greater than 75% of the maximum total allowable sign area designated by the underlying zone.~~
- ~~3) Signs shall not operate at brightness levels of more than 200 cd/m² (candelas per square meter). Each electronic message board shall have a light sensing device that will adjust the brightness of the message board as the natural ambient light conditions change.~~
- ~~4) Only those changing electronic message signs utilizing monochrome colors such as white, red or amber shall be permitted. No RGB (Red Green Blue) technologies or other multicolored display shall be permitted in an electronic message center sign in a manner that would create a video board. This section does not prohibit the use of color in a sign that is not a video board.~~
- ~~5) Changing electronic message signs shall maintain an 8 1 8 transition frequency. "8 1 8" means a message display time of a minimum of eight seconds, a transition time between messages of a maximum of one second, followed by a message display time~~

~~of a minimum of eight seconds with all segments of the total message to be displayed within 17 seconds.~~

- ~~6) All messages displayed on an electronic message board shall be directly related to the business for which the sign was constructed. No off premises advertising signage is permitted.~~
- ~~7) All changing message signs shall be constructed as an integral part of a permanent sign constructed on site. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign. In all districts except HC, LI1 and LI2 permitted electronic message signs must be incorporated into and be integral to a monument type sign as defined in § 230-164.1, Definitions.~~
- ~~8) Video boards shall be prohibited.~~
- ~~9) Each electronic message board sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic message board signs when not in conflict with this section.~~
- ~~10) There may only be one electronic message board sign per parcel or complex.~~

Section 2. Chapter 230, Article XXII Signs, § 230-176 Signs permitted in all districts of the Code of the Town of Georgetown is hereby amended by adding the following:

§ 230-176. Signs permitted in all districts.

The following signs are permitted in all districts:

- A. Signs erected by any governmental agency for purposes of direction, safety or convenience of the general public.
- B. Instructional signs, nonilluminated.
- C. Signs in conjunction with doorbells or mailboxes, not exceeding 12 square inches in area.
- D. Name and address signs, no more than one for each principal building or use on a premises and exceeding two square feet in area.
- E. Signs which are attached or which are an integral part of gasoline pumps or other dispensing or servicing devices, provided that such signs do not extend beyond the area of the pump, dispensing or servicing device to which they are attached, and provided that such activities or services are legally established uses.

- F. Signs displayed on shelters at bus stops limited to two signs per shelter, and the sign area shall not exceed 32 square feet per sign. Shelter locations shall be approved by the Town Manager and the State Department of Public Instruction.
- G. Signs erected by or on behalf of the Town as approved by the Town Manager.
- H. Businesses may have one standard flag, three feet by five feet, with the word "open" or similar wording on it and mounted on a pole only during business hours. Flags must be at least six feet above grade and must not block the sidewalk or right-of-way or obscure the visibility of pedestrians or vehicular traffic. Flags are not counted in the computation of permissible sign area. Display of flags from the second story is prohibited. This regulation shall not apply to display of any national, state, county or municipal flag.
- I. Road and traffic control signs, as approved by Delaware Department of Transportation and the Town.
- J. ~~Electronic message board signs located on sites of institutional uses must be incorporated into a monument sign not exceeding 24 square feet and can also be used to convey public information or emergency statements. Refer to § 230-170F for additional requirements for electronic message board signs.~~

Electronic message board signs. For any sign which meets the definition of electronic message board sign, the following provisions shall apply:

- 1) **The sign category for the zone in which the sign is proposed must allow for internal illumination of signs.**
- 2) **The maximum sign area for an electronic message board, which is detached, shall be no greater than 75% of the maximum total allowable sign area designated by the underlying zone. Signs located on sites of institutional uses shall not exceed 24 square feet.**
- 3) **Signs shall not operate at brightness levels of more than 200 cd/m² (candelas per square meter). Each electronic message board shall have a light-sensing device that will adjust the brightness of the message board as the natural ambient light conditions change.**
- 4) **Only those changing electronic message signs utilizing monochrome colors such as white, red or amber shall be permitted. No RGB (Red-Green-Blue) technologies or other multicolored display shall be permitted in an electronic message center sign in a manner that would create a video board. This section does not prohibit the use of color in a sign that is not a video board.**

- 5) Changing electronic message signs shall maintain an 8-1-8 transition frequency. "8-1-8" means a message display time of a minimum of eight seconds, a transition time between messages of a maximum of one second, followed by a message display time of a minimum of eight seconds with all segments of the total message to be displayed within 17 seconds.
- 6) All messages displayed on an electronic message board shall be directly related to the business for which the sign was constructed. No off-premises advertising signage is permitted.
- 7) All changing message signs shall be constructed as an integral part of a permanent sign constructed on site. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign. In all districts except HC, LI1 and LI2 permitted electronic message signs must be incorporated into and be integral to a monument type sign as defined in § 230-164.1, Definitions.
- 8) Video boards shall be prohibited.
- 9) Each electronic message board sign located on a state-maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic message board signs when not in conflict with this section.
- 10) There may only be one electronic message board sign per parcel or complex.

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., 2017.

William E West, Mayor

Bob Holston, Secretary

PC Public Hearing: May 17, 2017

TC Public Hearing: June 14, 2017

1st Reading: June 14, 2017

2nd Reading: June 28, 2017

Adoption: June 28, 2017

Draft



Town of Georgetown

First Session, 149th Delaware General Assembly

Legislative Report

Prepared By:
Eugene S. Dvornick, Jr., Town Manager
June 28, 2017

Bill	Description	Position	Status	
HB 1	Unlawful Employment Practices	Neutral	Labor Committee (04/04/17)	
HS 1 for HB 1	Amendment to Unlawful Employment Practices (w/ SA 1)	Neutral	Signed by Governor (06/14/17)	
HB 13	Prohibits Breed Specific Ordinances or Regulations (Defeated 03/21/17; Restored 03/23/17)	Neutral	Signed by Governor (06/02/17)	
HB 25	Budget Bill (Governor's Recommended) Anticipate Governor Carney's on March 23	Under Review	Appropriations (01/12/17)	
HB 38	Nonutility Wells and Permits with HA 1 No additional action anticipated this session	Support	PASSED (05/11/17)	Environmental, Natural Resources & Energy (05/12/17)
HB 47	Eliminates Notarizing of Absentee Ballots w/ HA 1, HA 2, SA 1	Support	PASSED (06/22/17)	PASSED (06/21/17)
HB 58	Solar Panel Restrictions with HA 1	Neutral	DEFEATED (04/04/17)	

HB 75	FOIA Amendment: Citizen to Person; Non-resident requests; Enforcement (Tabled in Committee)	Under Review	House Administration Tabled in Committee (04/05/17)	
HB 89	Date for Primary Elections	Neutral	PASSED (04/04/17)	Elections & Government Affairs (04/04/17)
HB 110	Delaware Marijuana Control Act (Recreational Use)	Under Review	Revenue & Finance Out of Committee (05/10/17)	
HB 115	Municipal Special Development Districts with HA 1	Neutral	Signed by Governor (05/30/17)	
HB 125	Extreme Crimes Protection Act (Death Penalty)	Support	PASSED (05/09/17)	Judicial & Community Affairs (05/10/17)
HB 130	Lodging Tax (Short-term Rentals)	Neutral	Revenue & Finance (04/13/17)	
HB 144	Acquisition of Real Property	Neutral	Transportation/Land Use and Infrastructure Out of Committee (05/10/17)	
HB 152	DELJIS Funding	Support	Public Safety & Homeland Security Out of Committee (05/17/17)	
HB 177	Municipal Boards of Adjustment	Support	Housing & Community Affairs Out of Committee (06/14/17)	

HB 180	Security of Personal Data	Oppose	Economic Development/Banking/Insurance/Commerce (05/16/17)	
HS 1 for HB 180	Security of Personal Data	Oppose	Economic Development/Banking/Insurance/Commerce (06/21/17)	
HB 187	Modifications to Sherriff's Sales	Support	PASSED (06/22/17)	Judicial & Community Affairs (06/23/17)
HB 189	Right of Way Access for Small Wireless Cells	Support	PASSED (06/08/17)	PASSED (06/15/17)
HB 190	Coastal Zone Conversion Permit Act	Support	PASSED (06/20/17)	Environmental, Natural Resources & Energy (06/20/17)
HB 240	Taxes on Personal Income	Neutral	Revenue & Finance Out of Committee (06/21/17)	
HB 241	Taxes on Alcoholic Beverages w/ HA 1	Neutral	Revenue & Finance Out of Committee (06/21/17)	
HB 242	Taxes on Tobacco Products	Neutral	Revenue & Finance Out of Committee (06/21/17)	
HB 244	Three (3) Year Prevailing Wage Exemption for DeIDOT Road Construction Projects	Support	House Administration (06/20/17)	

SB 10	Minimum Wage	Oppose		Labor Out of Committee (06/07/17)
SB 15	Bond and Capital Improvements (Governor's Recommended) Anticipate Governor Carney's on March 23	Under Review		Capital Improvement (01/12/17)
SB 16	Bond and Capital Improvements (Mini-Bond)	Support	Signed by Governor (02/02/17)	
SB 20	Constitutional Amendment to Article VIII regarding ¾ Majority Vote (Transportation Trust Fund)	Support	Enacted w/o Signature of Governor (05/18/17)	
SB 49	Homeless Individuals' Bill Of Rights	Under Review		Judicial & Community Affairs (03/28/17)
SB 76	Craft Training Requirement when Prevailing Wage Required	Oppose		Labor (05/10/17)
SS 1 for SB 76	Craft Training Requirement when Prevailing Wage Required (Employee and Dollar Amount Thresholds)	Oppose		Labor (06/09/17)
SB 98	Charter Amendment – Town of Georgetown	Support	PASSED (06/27/17)	PASSED (06/15/17)

Watch List:	New Governor's Budget Bill New Governor's Capital Improvements Bill ADA and Parking Lot Requirements			
Comments:	<ul style="list-style-type: none"> • Commitment from Governor not to pass State issues to local government • Looking for 50% new revenue and 50% less expense to address deficit • MSA/CTF/RTT appear safe at this time, but everything is "on the table" 			