

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Monday, February 13, 2023  
**Location:** 39 The Circle, Georgetown, DE 19947

Live Stream Can be Found at the Following Link:  
Website: <https://www.georgetowndel.com/live-stream.htm>

Zoom.us/join  
Zoom Meeting ID: 818 8964 5390

**Time:** 7:00 PM Regular Meeting

**TOWN COUNCIL PRESENT:**

Bill West, Mayor  
Christina Diaz-Malone, Ward One  
Sue Barlow, Ward Two  
Angela Townsend, Ward Three  
Penuel Barrett, Ward Four

**STAFF PRESENT:**

Eugene S. Dvornick Jr., Town Manager  
Stephani J. Ballard, Town Solicitor

**7:00 PM REGULAR MEETING**

**1. PLEDGE OF ALLEGIANCE**

Town Manager Dvornick led the Pledge of Allegiance.

**2. INVOCATION**

Mayor West led the Invocation.

**3. ADOPTION OF AGENDA**

Motion by Councilwoman Townsend, seconded by Councilwoman Barlow to adopt the agenda as presented. **Motion Carried (unanimous)**

**4. APPROVAL OF JANUARY 23, 2023 TOWN COUNCIL MINUTES**

Motion by Councilwoman Townsend, seconded by Councilwoman Diaz-Malone to approve the January 23, 2023 Town Council Minutes as presented. **Motion Carried (unanimous)**

**5. COUNCILMEMBERS COMMENTS**

Councilwoman Barlow, Ward 2

- No Comments

Councilwoman Townsend, Ward 3

- Request to schedule a workshop to discuss and consider improvements to the zoning process, to include the Planning Commission, Town Council, and Planning Staff.
- Questions regarding ARPA funding and how we are using the remaining funds.
- Completed donation project with Springboard Collaborative

Councilman Barrett, Ward 4

- What is the status/timeline of the meeting with Sun Behavioral?
- Discussed issues with Sun Behavioral regarding the emergency services
- When can we get Kimmey Street extended paved?
- Stated "I am not against businesses in Town, I am against businesses running an organization without a license."

Councilwoman Diaz-Malone, Ward 1

- Hoping we, as a Council, can turn the table with regard to the manner in which we conduct our business in public.
- Attending the tour at Sun Behavioral opened my eyes to the issues going on in this Town. We need to form a committee to tackle the long term and short term issues.
- Discussed Community Unity Days to help clean up around Town. Looking for a volunteer to manage the next Community Unity Day.
- Commented on the issue brought up about the businesses on North Race Street that was said to have their windows completely covered

Mayor West

- Over the last two years we have sat up here and been disrespectful to one another and not shown professionalism. That needs to change starting now.

**6. FY22 AUDIT PRESENTATION**

Chris Lehman, Auditor with SB & Company, presented to Council an overview of the results of the Fiscal Year 2022 Financial Statements.

- Questions/Comments posed from Council

**7. EMPLOYMENT AGREEMENT ADDENDUM – TOWN MANAGER**

Questions/Comments from Council

- Councilman Barrett
  - Are we allowed to discuss this tonight since last time it was on the agenda we were not allowed to discuss it?
    - Mayor West: I have been instructed that we should not discuss it because of the whistleblower act and there is an active investigation going on.
  - Question for the Town Solicitor: What do we do on March 16<sup>th</sup> when Gene's contract is up?
    - Town Solicitor explained that the Town Manager serves an indefinite term per Charter. His contract just sets the terms and conditions of that service. There is a process under the charter to remove a Town Manager which is separate from the terms of the contract.
  - Discussed some of the terms in the current contract, such as payout of salary, regarding termination before the contract is up.

- Town Solicitor clarified that the terms in this contract are separate from the Town Manager's position as stated in the Charter. The contract also references the Charter. Removal of the Town Manger would have to be done through the process stated in the Charter.
  - Not happy with how understaffed our Police Department currently is over the past three years since I have been on Council. We didn't do exit interviews to find out why our officers were leaving. This comes from the top since the Town Manager runs the Town.
- Councilwoman Diaz-Malone
  - Asked Town Solicitor to specify the process stated in the Charter to remove a Town Manager.
    - Town Solicitor read from the Charter, the process to remove a Town Manager
  - Asked to have the whistleblower issue explained to the people in the audience
    - Mayor West summarized the grounds for a whistleblower and stated that he initiated a complaint to the Department of Justice
  - If we are moving into his evaluation, we need to open it to Public Comment.
- Mayor West
  - Gene has been here 15 years and has done a good job. To remove him, we would need documentation to prove he has done something wrong and we do not have that.
  - My recommendation would be to approve his contract terms for one year, and start documenting things he has done wrong to build a case against him, if that is necessary.
- Councilwoman Townsend
  - I have been through two evaluations with Gene and have never met with him to go over his evaluation.
    - Councilwoman Diaz-Malone stated that you were invited to meet with him and go over the evaluations with him.
  - We have always had executive sessions to discuss the Town Manager's contract and now they want to discuss it in front of the public.

Motion by Councilman Barrett, seconded by Councilwoman Townsend to table the Town Managers contract.

Vote:

Councilwoman Diaz-Malone, Ward 1:	Abstain
Councilwoman Barlow, Ward 2:	Yea
Councilwoman Townsend, Ward 3:	Yea
Councilman Barrett, Ward 4:	Yea
Mayor West:	Nay

**Motion Carried**

**8. PROJECT UPDATE – SPRINGBOARD COLLABORATIVE, PALLET SHELTERS**

Judson Malone, Executive Director with Springboard Collaborative, presented to Council an update on the Pallet Village project.

- The pallet village is officially open and at full capacity.
- Work continued to get bath houses ready
- Landscape plants and sod were donated by Bella Terra
- There is a community tent with tables and chairs which gives us a place to dine.
- The community partnerships and collaborations are important in making this project succeed.
  - First State Community Action Agency – Case management services
  - La Red – Medical/Dental/Mental Health Services
  - Marigold – Peer support counseling
  - Beebe Healthcare – Mobile health clinic
  - DSAMH and PROMISE Program – Supportive services for mental health screenings
  - Brandywine Counseling
  - Georgetown Police Department
  - Del-One – Financial Counseling
- Assisting the individuals with setting goals for themselves
- Doing our best to make sure the site is accessible to all Emergency Services
- Questions/Comments posed from Council

**9. GODWIN PORTABLE PUMP PURCHASE**

Motion by Councilman Barrett, seconded by Councilwoman Barlow to authorize the purchase of a Godwin portable pump for the wastewater department at an amount not to exceed \$37,500.00.

Vote:

Councilwoman Diaz-Malone, Ward 1:	Yea
Councilwoman Barlow, Ward 2:	Yea
Councilwoman Townsend, Ward 3:	Yea
Councilman Barrett, Ward 4:	Yea
Mayor West:	Yea

**Motion Carried (unanimous)**

**10. AWARD OF BID – ½ TON TRUCK**

Town Manager provided Council with the bids received from First State Chevrolet, Floyd McGee Motors, and Preston Automotive Group.

- Questions/Comments posed from Council

Motion by Councilwoman Townsend, seconded by Councilwoman Diaz-Malone to award the bid for the ½ Ton Truck for the Public Works Department to First State Chevrolet at an amount not to exceed \$49,951.60.

Vote:

Councilwoman Diaz-Malone, Ward 1:	Yea
Councilwoman Barlow, Ward 2:	Yea
Councilwoman Townsend, Ward 3:	Yea
Councilman Barrett, Ward 4:	Abstain
Mayor West:	Nay

**Motion Carried**

**11. CERTIFICATION OF PLANNING COMMISSION'S ACTION – 2022-17 CHEER GATEWAY EAST**

Chad Carter, with Becker Morgan Group, and Ken Bock, with CHEER Community Center, provided Council with an overview of the CHEER Gateway East project.

- Questions/Comments posed from Council

Motion by Councilwoman Barlow, seconded by Councilman Barrett to certify Planning Commission's action to approve the preliminary site plan for project #2022-17 CHEER Gateway East.

Vote:

Councilwoman Diaz-Malone, Ward 1:	Yea
Councilwoman Barlow, Ward 2:	Yea
Councilwoman Townsend, Ward 3:	Yea
Councilman Barrett, Ward 4:	Yea
Mayor West:	Yea

**Motion Carried (unanimous)**

**12. ESTABLISHMENT OF COMMITTEE REGARDING EMERGENCY SERVICES FUND**

Discussion amongst Council to establish a committee regarding Emergency Services funding.

- Mayor West nominated Councilman Barrett to be the chair of the committee, and to also have Ron Marvel from the Commissioner's Office be involved and to suggest other interested members
- Councilwoman Townsend volunteered to be on the committee.

Official appointment of all committee members will be at the next Council meeting.

**13. DISCUSSION – GREAT FUND PROCEDURES AND POSSIBLE ESTABLISHMENT OF GREAT FUND COMMITTEE**

- Mayor West went over the reason for discussing the GREAT Fund procedures and possible establishment of a committee.
- Town Solicitor explained that the GREAT Fund Ordinance is an official ordinance of the Town but it was never codified (put in Code Book) in 2007 when it was adopted.

Town Manager Dvornick presented Council with a presentation on the GREAT Fund including:

- Ordinance History
- Restricted Funds
- Requirements
- Questions/Comments posed from Council
  - Councilwoman Barlow: Suggested putting together a new Ordinance
  - Councilwoman Diaz-Malone: Stated that having a committee to review GREAT Fund requests is important
  - Councilwoman Townsend: I do not see a need for a committee
  - Town Solicitor clarified that the GREAT Fund ordinance is valid today as law of the Town, and advised Council to follow the current ordinance unless and until it is replaced.
  - Councilman Barrett: Questioned what the current ordinance reads when it comes to forming a committee.
  - Discussion amongst Council on whether to form a committee and the need to make suggestions for changes if they decide to make a new ordinance.

Motion by Councilwoman Diaz-Malone, seconded by Mayor West to form a committee to review GREAT Fund requests.

Vote:

Councilwoman Diaz-Malone, Ward 1:	Yea
Councilwoman Barlow, Ward 2:	Nay
Councilwoman Townsend, Ward 3:	Nay
Councilman Barrett, Ward 4:	Abstain
Mayor West:	Yea

Motion Failed for lack of 3 votes

#### **14. GREAT FUND REQUEST – BLOCK PARTY \$4,500**

Linda Price, with the Chamber of Commerce, provided an overview of what events/vendors they will have at the spring block party.

Town Manager Dvornick suggested in lieu of asking for GREAT Fund funding, that the Chamber ask the Town to sponsor this event.

Mayor West suggested the Chamber withdraw their GREAT Fund request and submit a letter asking the Town to sponsor this event instead.

Motion by Councilwoman Townsend, seconded by Councilwoman Diaz-Malone to approve \$4,500.00 as sponsorship from the Town (not as a GREAT fund grant) for the spring block party, upon receipt of the request.

Vote:

Councilwoman Diaz-Malone, Ward 1:	Yea
Councilwoman Barlow, Ward 2:	Yea
Councilwoman Townsend, Ward 3:	Yea
Councilman Barrett, Ward 4:	Yea
Mayor West:	Yea

**Motion Carried (unanimous)**

**15. 1<sup>ST</sup> READING OF ORDINANCE**

**A. ORDINANCE #2022-11 AMENDMENT TO CHAPTER 230, ZONING ARTICLE XV, HC COMMERCIAL DISTRICT, 230-104 PERMITTED USES, AA. REGISTERED COMPASSION CENTER, (7) SIGNS**

Town Manager Dvornick provided an overview of Ordinance #2022-11.

This is the first reading. No action at this time.

**B. ORDINANCE #2023-01 ZONING AMENDMENT FROM URBAN RESIDENTIAL DISTRICT (UR1) TO HIGHWAY COMMERCIAL DISTRICT (HC) LOCATED AT 20898 DUPONT BOULEVARD, IDENTIFIED AS SUSSEX COUNTY TAX PARCEL 135-14.19-34.00**

Town Manager Dvornick provided an overview of Ordinance #2023-01.

- Questions/comments posed from Council

This is the first reading. No action at this time.

**16. RESOLUTION**

**A. RESOLUTION #2023-01 ADOPTION OF SUSSEX COUNTY HAZARD MITIGATION PLAN**

Motion by Councilwoman Townsend, seconded by Councilwoman Barlow to adopt Resolution #2023-01 Adoption of Sussex County Hazard Mitigation Plan.

Vote:

Councilwoman Diaz-Malone, Ward 1:	Yea
Councilwoman Barlow, Ward 2:	Yea
Councilwoman Townsend, Ward 3:	Yea
Councilman Barrett, Ward 4:	Yea
Mayor West:	Yea

**Motion Carried (unanimous)**

**17. DEPARTMENTAL REPORTS**

**A. TOWN MANAGER – GENE DVORNICK**

**Project Updates**

- Water Main & Service Line Replacement



- DelDOT punch list being addressed by Teal Construction
- Park Avenue – Phase 1
  - Connection to existing force main completed on February 2
- Bedford & Market Street Rehabilitation
  - ADA ramps will be concrete – uniformity (brick removal)
  - Layton Avenue to The Circle – delayed until Family Court utilities tied in
- Cinder Way Drainage
  - Proposal signed and returned to Shea Concrete
  - Work to begin end of February
- Wagamon Avenue Traffic Calming
  - Speed humps ordered on February 3
  - Installation by Public Works

**“No If, Ands, or Butts” Program**

- Cigarette Butt Campaign
- Initial locations
  - Sussex County Courthouse Entrance
  - Family Court Entrance
  - DART Transit Hub
  - Public Works Shop
  - Sussex County Admin Building
- Custom labeled canisters
- Collect > Ship > Recycle

**Request for Funding Authorization**

- 2007 IH Street Sweeper
- 2023 Annual service check performed by Atlantic Machinery
- Repair & maintenance needed:
  - Head Assembly, Fan Housing, Whisper Wheel, Screens, Intake Tube
- Estimate is \$44,000
- Funding through Municipal Street Aid
  
- Councilman Barrett questioned if we would be better off just buying a new street sweeper?
  - Public Works Superintendent Bobby Fletcher explained that if we move forward with these repairs and regular maintenance the current street sweeper will work properly and extend the life of the street sweeper.
  - A new street sweeper would cost \$250,000

Motion by Councilwoman Townsend, seconded by Councilwoman Barlow to approve \$44,000 from Municipal Street Aid to fund repairs and maintenance for the street sweeper.

**Vote:**

Councilwoman Diaz-Malone, Ward 1:      Yea



Councilwoman Barlow, Ward 2: Yea  
Councilwoman Townsend, Ward 3: Yea  
Councilman Barrett, Ward 4: Yea  
Mayor West: Yea

**Motion Carried (unanimous)**

Residential Rental Property Inspections

Status	01/12/23	02/07/23
Passed	116	156
Failed	11	20
Scheduled	23	0
Rescheduled	4	2
Non-Compliant	73	43
Total	227	221

**General Items**

- Information
  - Press Release going out this week for Expansion of the Downtown Development District boundaries
- Upcoming Events
  - Planning Commission Meeting: Wednesday, February 15, 6:00 PM, Town Hall
  - Delaware League of Local Governments:
    - Monthly Meeting – Thursday, February 23, 5:30 PM, Dover
    - “Hill Day” – Tuesday, March 28, 9:00 AM, Washington, DC
- Legislative Update

**ARPA Encumbrances**

Project	Obligated	Vendor	Description	TC Approved
Biolac	\$171,875.00	Parkson Corporation	Biolac Repairs/Nozzles/Biofuser Replacement, Barge Purchase	September 8, 2021
SCI Elevated Storage	\$88,500.00	Davis, Bowen & Friedel Inc	Preliminary Engineering	September 22, 2021
PS Rehabilitation	\$51,000.00	Beacon Engineering	Preliminary Engineering	September 22, 2021
Pooled Lawyer	\$16,332.50	Barnes & Thornberg	Lawyer	October 13, 2021
Flygt Pump (Wastewater)	\$15,427.00	Xylem	Submersible Pump (Cedar Lane)	October 27, 2021
Springboard Collaborative	\$500,000.00	Sub-recipient	Pallet Shelters	May 9, 2022

AMI Proposal	\$31,000.00	Davis, Bowen & Friedel Inc	Engineering Services	July 25, 2022
Main Station Upgrade	\$57,500.00	Davis, Bowen & Friedel Inc	Engineering Services	October 24, 2022
<b>Total Encumbered</b>	<b>\$931,634.50</b>			

- Questions/Comments posed from Council

## 18. PUBLIC COMMENT

- Mayor clarified timing of 3 minute limit on public comment
- Town Manager Dvornick read correspondence from Fleur McKendell, requested to be read into the record
- Jon Peterson
  - Read pieces of Ordinance #2007-15 GREAT Fund into the record
- Linda Dennis, 4 Huckleberry Drive
  - Discussed concerns with Sun Behavioral
  - Disappointed in the assessment of Town Manager Dvornick's contract
  - Questions for Town Manager Dvornick about the Realty Transfer Tax legislation
- Jane Clevenger
  - Spoke in opposition of the Georgetown Historical Society flying the Confederate Flag on their property
- Karen Messick-Atkins, 24070 Deep Branch Road
  - Identified herself as Vice President of the Georgetown Historical Society
  - Explained that there is a contract with the Delaware Grays who own the monument and the flag.
- Dennis Winzenreid, 23365 Park Avenue
  - Addressed the issue of the contract between Georgetown Historical Society and The Delaware Grays and stated it was not a legally valid contract
- Jane Hovington, 204 South Railroad Avenue
  - Discussed the issue with the confederate flag
  - Addressed the statement made by Councilman Barrett about Georgetown Police Department being understaffed
  - Spoke in support of Town Manager Dvornick. Provided examples of all the positive things he has done for this Town during his tenure
- Kevin Andrade
  - Stated that over the past year there has been many conflicts between communities
  - Stated how Town Manager Dvornick has always been supportive to the Hispanic community, African American Community, and the White community. On behalf of the Hispanic community, we support him and the extension of his contract.
  - Discussed the issue with the confederate flag

- Clayton Townsend, 20293 Ennis Road
  - Discussed bids for trash service. Requested the bids to be sealed.
  - Stated a concern he had with the last time we received bids for trash service
- Bernice Edwards, First State Community Action Agency
  - Discussed the issue with the confederate flag
  - Spoke in support of Town Manager Dvornick. Provided examples of all the positive things he has done for this Town during his tenure.
- Tony Neal, 4 Terrace Avenue
  - As the leaders of this Town, you as a Council, have a responsibility to the citizens of this Town. How can you do what is best for this Town and its citizens when you can't get along with each other?
- Concepcion De Leon-Diaz
  - Spoke in support of Town Manager Dvornick
- Fleur McKendell
  - Discussed the response received today for the FOIA request sent on January 23, 2023 regarding funds for the Employee Christmas party.

#### 19. ADJOURNMENT

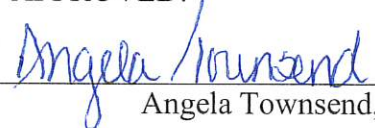
Motion by Councilwoman Townsend, seconded by Councilman Barret to adjourn at 9:39pm.

Vote:

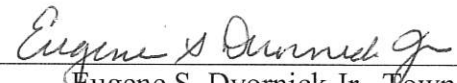
Councilwoman Diaz-Malone, Ward 1:	Yea
Councilwoman Barlow, Ward 2:	Yea
Councilwoman Townsend, Ward 3:	Yea
Councilman Barrett, Ward 4:	Yea
Mayor West:	Yea

**Motion Carried (unanimous)**

APPROVED:

  
\_\_\_\_\_  
Angela Townsend, Secretary

ATTEST:

  
\_\_\_\_\_  
Eugene S. Dvornick Jr., Town Manager

*\*These minutes are a summary of the meeting. Complete audio and visual recordings are available upon request\**