



**TOWN OF GREENWOOD
TOWN COUNCIL MEETING
100 W. Market St. Greenwood De 19950
Wed. Nov. 8, 2023 6:00 p.m.**

CALL TO ORDER: Pledge of Allegiance

APPROVAL OF MINUTES :

1. Town Council Meeting Minutes October 11, 2023 Council Meeting

PUBLIC COMMENT

The Public Comment portion of the Town Council Meeting affords members of the public the opportunity to share with the Town Council questions, thoughts, comments, concerns, and/or complaints regarding the Town. Anyone interested in addressing the Town Council will be given three (3) minutes to do so. The Town Council is sincerely interested in hearing from the public, but the purpose of public comment is for Council to listen to comments, and the Town Council is not required to answer questions or provide immediate responses to concerns raised during public comment. Council may take action on items only when duly noticed on an agenda.

POLICE

1. Verbal Report-Chief Thomas

TOWN MANAGER REPORT

1. Verbal Report – Janet Todd

OLD BUSINESS:

NEW BUSINESS:

1. Discussion of proposed Ordinance 2023-01 An Ordinance amending Ordinance A-1 (“Zoning Ordinance”) to Prohibit the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing facilities, Marijuana Test Facilities, and retail Marijuana Stores in Town of Greenwood and submission to Planning Commission
2. First reading of Ordinance 2023-02 An Ordinance Respecting the Issuing of Business Licenses within the Town of Greenwood.

EXECUTIVE SESSION: Executive session to discuss personnel matters in which the names, competency and abilities of individual employees will be discussed

RETURN TO OPEN SESSION

1. Discussion and possible action on matters discussed in executive session.

ADJOURNMENT

NOTES:

AGENDA MAY BE 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. [29 Del. C. Sec.10004 (e)(3)].

Posted 11/1/2023

Town of Greenwood
Town Council Meeting Minutes
Wednesday, October 11, 2023

COUNCIL and STAFF PRESENT:

Mayor Donald Torbert, Vice-Mayor Norman Reed, Councilwoman Dee Jones, Councilman Marshall Kemp, Town Manager Janet Todd, Police Chief Phillip Thomas, Town Clerk Carolyn Chisenhall, Administrative Assistant Amy Carey

CALL TO ORDER:

Mayor Torbert opened the meeting with the Pledge of Allegiance at 6:00p.m.

APPROVAL OF MINUTES:

Motion to approve the September 20, 2023, Town Council Meeting minutes made by Councilwoman Jones, Seconded by Vice-Mayor Reed. APPROVED Unanimously.

POLICE REPORT:

- Chief Thomas reported on the training the PD had in September. They also held the first of three planned lockdown drills at WECEC.
- PD assisted the Greenwood Fire Department at their 100th anniversary parade.
- Halloween is Tuesday, October 31, with Trick or Treating being from 6-8 pm. Greenwood PD will be participating in Trunks for Treats at Greenwood United Methodist Church that evening.
- Our police department is participating in “Socktober”, serving as a collection center for new socks to be donated to the Code Purple shelter. Officers are also wearing pink tees under their uniforms in October in recognition of Breast Cancer Awareness month.

TOWN MANAGER REPORT:

- Ms. Todd stated that the sale of the parcel that includes the sewer station is complete.
- The house on 1 E. Minor is being demolished.
- The County’s sewer repair on Mill Street is almost completed. They will then need to fix the street where it had been cut.
- Sussex County Conservation District is working on the ditch behind Tamburelli’s. They are running new pipe through there.
- There are currently 13 properties that are in noncompliance about conditional uses that have either expired or were not applied for. Letters will be mailed out with an application for conditional use. Submitted applications will then need to go before the Planning Commission, who will make a recommendation to Council.

OLD BUSINESS:

None

NEW BUSINESS:

- Anthony Massey has requested to be removed from the Board of Adjustment and appointed to the Planning Commission. Motion to appoint Mr. Massey to Planning Commission made by Councilman Kemp, Seconded by Councilwoman Jones. APPROVED Unanimously.
- Kelli Nuwer has requested to be removed from the Planning Commission and appointed to the Board of Adjustment. Motion to appoint Ms. Nuwer to the Board of Adjustment made by Vice-Mayor Reed, Seconded by Councilwoman

Jones. APPROVED Unanimously.

- The first draft of the proposed 2024 Budget was discussed. The final budget will be presented for approval at the November 8, 2023, meeting. Manager Todd, Chief Thomas, and Amy responded to questions asked by the Council.
- Chief Thomas presented the Council with a “food for thought” packet which included cost of living pay increases, extra duty police pay guidelines, and several proposals for employee and family healthcare plans.

PUBLIC COMMENT:

Mr. Massey stated that he thought this had been a very productive meeting. Brenda Tallent asked if there were changes being made to the business license requirements. Mrs. Chisenhall responded that it is being worked on, and changes will require an Ordinance revision.

EXECUTIVE SESSION:

None

ADJOURNMENT:

The meeting adjourned at 6:30 p.m. with a motion made by Councilwoman Jones, Seconded by Vice-Mayor Reed.

Attested _____, Town Manager

DRAFT

Public Hearing Posted: _____
Public Hearing Published: _____
Public Hearing: _____
1st Reading: _____
2nd Reading: _____
Adopted: _____

ORDINANCE NO. 2023 -01

AN ORDINANCE AMENDING ORDINANCE A-1 (“ZONING ORDINANCE”) TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TEST FACILITIES, AND RETAIL MARIJUANA STORES

WHEREAS, the Town of Greenwood is authorized to enact zoning regulations pursuant to 22 *Del. C.* Chapter 3 and Section 29(a)(1) and (43) of the Town Charter;

WHEREAS, the Delaware General Assembly recently passed the Delaware Marijuana Control Act, Title 4, Delaware Code, Chapter 13, allowing for licensure related to establishments engaged in the production or sale of recreational marijuana products, subject to certain regulations;

WHEREAS, 4 *Del. C.* §1351 authorizes a municipality to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores through the enactment of an ordinance;

WHEREAS, in the opinion of the Town Council of the Town of Greenwood, it is in the best interest of the public health, safety, and welfare to further amend the Zoning Ordinance to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores, as regulated by the Delaware Marijuana Control Act, with the Town of Greenwood;

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that the Zoning Ordinance of the Town of Greenwood be amended, to prohibit such uses in any Zone of the Town of Greenwood, as follows:

Section 1. Amend Section 5.11 (“Prohibited Uses”) by adding the following underlined language:

5.11.5 The use or operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and/or retail marijuana stores.

Section 2. Effective Date.

This Ordinance shall take effect immediately upon its adoption by the Town Council.

Synopsis

This ordinance prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana test facilities, and retail marijuana stores in any zone within the Town of Greenwood.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Greenwood at a duly noticed and convened meeting at which a quorum was present on _____, 2023.

Attest: _____ So Certifies: _____

DRAFT

ORDINANCE# 2023-02

**AN ORDINANCE AMENDING ORDINANCE C-11 REGARDING THE
ISSUING OF BUSINESS LICENSES WITHIN THE TOWN OF
GREENWOOD**

Whereas, the Town Council of the Town of Greenwood is authorized by Section 29(A)(33) of the Town Charter of the Town of Greenwood to require a license for the conduct of any business, profession or occupation within the limits of the Town; and has previously enacted Ordinance C-11 to address this issue; and

Whereas, the Town Council for the Town of Greenwood believes that it is in the best interests of the citizens of the Town to update and improve the Town's ordinances; and

Whereas, the Town Council finds that the Ordinance C-11 should be amended as shown herein¹, and that provisions of this ordinance are rationally and reasonably related to legitimate government interests including but not limited to the protection and preservation of the health, safety, prosperity, general welfare, and quality of life.

BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that Ordinance C-11 should be amended as follows:

**ORDINANCE # C-11
AN ORDINANCE TO REQUIRE THE LICENSING OF ALL
BUSINESSES AND CONDUCT OF BUSINESS WITHIN THE TOWN
OF GREENWOOD**

Section 1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

GENERAL BUSINESS - persons, firms, partnerships, or corporations, whether located within or outside the legal limits of the Town of Greenwood, engage in for-profit sales of any and all merchandise and/or commodities; providing facilities for use, entertainment, or enjoyment; providing services for use, food service; door-to-door solicitation; manufacturing, industrial or otherwise; and any person, firm, partnership, or corporation providing services not specifically enumerated by this ordinance.

PERSON OR PERSONS - individuals, partnerships, firms, companies, associations, and corporations.

Section 2. Compliance.

It shall be unlawful for any person, either directly or indirectly, to conduct any business or to use in connection therewith any vehicle, premises, machine or device, in whole or in

¹ Additions to the current Ordinance C-11 are shown in underline, and deletions are shown in ~~strikethrough~~.

part for which a license or permit is required by this ordinance, without a license or permit therefore being first procured and kept in effect at all times required.

Section 3. Issuance of License.

A. Application, Applications for licenses shall be submitted to the Town Hall, in writing. Every application shall include:

1. the name and business address of the licensee. If the licensee is a partnership the names and addresses of the partnership members shall be included and if the licensee is a corporation or LLC, the names and addresses of the ~~principles~~ principals shall be included.
2. a full description of the nature of the trade, business or occupation for which a license is requested.
3. the physical location of the business, occupation, or activity.
4. the application shall be verified by the ~~oath or affirmation~~ certification of the individual licensee or of one member of a partnership, firm or association, or of the president, secretary or a director or a corporation applying for a license.
- ~~5, the application shall include an affidavit which shall be sworn to by the applicant before a notary public of the state.~~
- 5 6. the proper license fee shall accompany the application.

B. Issuance of License. The Town Clerk shall issue such license upon payment of the fee designated by the Town Council provided:

1. the location of the business is allowed under the Town of Greenwood Zoning Ordinance.
2. the applicant has no past due taxes, bills, assessments or charges owing to the Town of Greenwood; and
3. the applicant has ~~the required~~ provided copies of any State or County licenses or certificates required for the conduct of their trade, profession or business. ~~;~~ and
- ~~4. the applicant provides proof of liability insurance.~~

Section 4. License fees.

A. License fees shall be determined by the Town Council of the Town of Greenwood, The license fees may be amended by the Town Council by adoption of a simple resolution. License fees shall not be prorated.

~~B. Annual License fees for the following types of business are:~~

Nonresident General Contractors	\$100.00
Peddlers/Solicitors	\$75.00

~~C. Annual License fees for all other types of businesses, operating within the Town of Greenwood, shall be \$50.00;~~

~~D. Businesses with more than one fixed location, within the limits of the Town of Greenwood, shall pay a business license fee for each location.~~

Section 5. Term of license and renewal.

Each license shall be valid for one year beginning January 1 and expiring on December 31 of any given year. Yearly application and payment of the license fee is required on or before the date of expiration of the license for a renewal license to be granted.

Section 6. Display of license required.

Each license shall be conspicuously displayed on the licensed premises, or as the case may be, shall be carried upon the person or vehicle of the licensee.

Section 7. License restriction; revocation,

It shall be a condition to the issuance of any and all licenses under this chapter that the business licensed shall be used and operated only for lawful purposes. The right of the Town Manager or the designee of the Town Manager, in his or her discretion to refuse to grant any license and to revoke any license previously granted for failure to comply with the requirements of this ordinance is hereby specifically reserved.

Section 8. Charitable organizations,

No license fee shall be charged for a license issued to a charitable or public service institution, body, or club not organized or conducted for private gain, nor shall the Town of Greenwood be charged for said licenses. Documentation of tax exemption status must be submitted with the required application by each organization seeking exemption from the license fee,

Section 9. Violations and penalties.

A. Any person violating any part of this ordinance shall, on conviction, be punished for each offense by a civil penalty fine of \$100.00 per day, not less than \$50.00 nor more than \$500.00. Each day in

~~responsible for the violation for the purpose of ordering that person to restrain from any act in violation of these licensing provisions.~~

Section 10, Exception.

Nothing herein shall be so construed as to ~~require make it mandatory upon~~ any resident of the State to apply for a license in order to sell in the Town any farm produce or products grown upon a farm owned by the vendor. ~~or any member of his family with whom he resides.~~

Section 11. Severability.

Should any subsection, sentence, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect this ordinance in its entirety or any part thereof other than that so declared to be invalid.

Section 12, After adoption by the Town Council, this ordinance, amending Town Ordinance C-11, shall become effective immediately.

APPROVED by a majority of the elected Council members of the Town of Greenwood Delaware
This _____ day of _____ 2023.

By: _____
Mayor

Attest: _____
Secretary of Council

First Reading: _____
Second Reading: _____
Adopted: _____