



## Mid-Month Council Meeting Minutes September 17, 2014

**Meeting: 7:00 pm**

**I. Call to Order: 7:00 pm**

**II. Opening Ceremonies**

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TC Cathy Beaver
- b. Recognition of Visitors: Alan & Sophia Emsley, Steve Tait, Dwain Haines
- c. Pledge of Allegiance: Pledge was said.
- d. Announcements:
  - The fair and parade are Saturday, September 27, 2014, parade is at 10:00 and the fair follows.
  - The Dollar General is having their grand opening on September 27, 2014 also. They want

Council there; Mayor Hatton stated he will try to make it prior to 9:00 am.

**III. Additions/Deletions to Published Agenda**

- a. CM Ness motioned, CM Sutton seconded with unanimous vote to approve the agenda as written.

**IV. Council Minutes**

- a. Approval of August 20, 2014 Mid-month minutes
  - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.
- b. Approval of September 3, 2014 Council minutes
  - CM Ness motioned, CW Gorman seconded with unanimous vote to approve minutes as written.

**V. Mayor's Report**

- a. Employee Handbook
  - Mayor stated CW Gorman and CM Ness have read the revised handbook and made several suggestions on changes.
  - CM Sutton agrees with CW Gorman's changes and found nothing else.
  - Mayor Hatton said the sections we need to look at are sections 11, 14 and 17.5. Section 11 is vacations and would like to establish some type of merit system rather than vacations being at the sole discretion of the Town Manager. I agree with this. When the Town grows, which we will, we need a process in place to handle vacations.
  - There are so many options where vacations are concerned, all were asked to really look at this and send suggestions to Mayor Hatton. Will possibly have to have a meeting by itself on the employee handbook. Would like to have this approved by the mid-month meeting in November at the latest. Will be effective January 1<sup>st</sup>.
  - CM Ness said in the private sector people are forced to take vacation at certain times of the year, depending on their position. The time is used to review the employee's work.
  - Mayor Hatton said this has been an issue in the audit for 5 years, mandatory vacation. He added he would like to see less vacation time carried over from year to year.
  - Mayor Hatton said another thing CW Gorman suggested is making New Year's Eve a holiday. In the last several years we have closed the Town Hall at noon, I agree with making it a holiday.
  - Section 14 is about the annual evaluation. Should there be an opportunity to evaluate the employees more often if warranted. Town Manager does evaluation and is reviewed by Council.
  - Section 17.5 is about the complaint form. Currently we don't have a complaint form for employees to use. Believe employees could use the same form the residents use.
- b. Received a photo of the ribbon cutting at TES which most of Council attended.

## **VI. Reports**

### **a. Fred Townsend III, Town Attorney**

- Have a proposed amendment to the zoning code which if adopted will permit a sporting goods store in a commercial district which would permit the sale of guns. We can amend the code without state approval; as a courtesy I would send a copy of our current ordinance and the revised ordinance to State Planning for comments. This may be a controversial subject.

- In the past I stated it might be possible to have a gun shop or a sporting goods store that sells guns to be a conditional use or special exception. That can be very complicated; if this is passed it would be a permitted use and much cleaner if you get an application for a gun shop.

- Mayor Hatton asked if this has to go to the zoning committee first and they make a recommendation to Council.

- TA Townsend said yes, that is the way the state code is set up. Council needs to vote to refer this recommendation to the zoning committee for consideration. The zoning committee would have to post the notice for a public hearing and afterwards the chair will make a recommendation to Council.

- It was clarified there will be two public hearings, one for the zoning committee meeting and one for Council once they receive the recommendation.

- Mayor Hatton said we are anticipating one of the merchants in Town will approach us in the next 6-12 months about opening a gun shop in Town limits. A prior Council granted that use but our code doesn't support it. In anticipation, we want to update our code to support it and be pro-active.

- Mayor Hatton asked TA Townsend where things stand with the charter.

- TA Townsend said the bill didn't get worked last year because the Governor had questions on several sections. One issue was language, or lack of, about annexations. This was easily addressed. The other issue was assessments. Not sure what this concern is, need to schedule a meeting as the last one was cancelled. Bills like this can be pre-filed at leg hall. If you wait until January when they are back in session, you will already be behind. Recommend if Council is going to act on this, have it done by the November meeting. TA Townsend stated he will get back with Council on the assessment issue and have a final revision of the charter to Council prior to the November meeting.

- Mayor Hatton asked TA Townsend to get this done; Council will review it at the October mid-month meeting and vote on it at the November Council meeting.

### **b. Owen Hyne, Town Engineer**

- 75% of the streetscape punch list is done. The inspectors are looking at these items.

- The street light foundations were lowered, level with ground now and much better. The lights will be installed next week.

- Alan Emsley asked if the windows at 588 Railroad Avenue will be fixed on his property.

- TE Hyne said yes and asked to talk to Mr. Emsley after the meeting. He needs a letter signed releasing the contractor from liability.

- There is utility work going on in TVI. Have a request to designate handicap parking in front of the post office, DelDot is working on this.

- Mayor Hatton asked where we stand with the one way streets on either side of DE Homes.

- TE Hyne stated it is ready for signs whenever Council wishes.

- Mayor Hatton asked CM Sutton to follow up with TM Green and order the signs. It will come out of municipal street aide.

### **c. Dawson Green, Town Manager**

- Snow removal RFP went out September 5<sup>th</sup> for a new 2 year contract. We will be accepting bids until October 17<sup>th</sup>.

## **VII. Committee Reports**

### **a. Finance: Chair – Mayor Jermaine Hatton**

- It's tax season, a considerable amount of money coming in. This is the time of year we bring in the most money. Taxes are due end of October and can deduct 5% if paid by end of September.

- Currently in our operating sweep account we have \$571,000. Based on last year's tax number, we brought in around \$150,000. Taxes should go up this year with the construction. There will also be a reassessment done for the Dollar General which should change their taxes considerably.

- The Town used to put all money in one pot; it wasn't broken down and categorized. We leave about \$100,000 in our sweep account, or everyday operating account. The rest goes to the sweep savings account. Our payroll account is just shy of \$15,000 right now; bi-weekly payroll is roughly \$5,800.00. MSA has \$70,000 in it. This money comes from the Town and allows the Town to do work on the Town owned streets. Our escrow account has also been set up as a sweep account. The builders' escrow goes to this account and any escrow left from the development of the Dollar General. The account has \$20,000 in it right now and there is still about \$150,000 tied up with the builders still building in Town.

- From a financial stand point, we look very good and we haven't had to go to our Metlife savings accounts for any money. We are being very fiscally responsible with the residents Town dollars.

- Asked for a balance versus actual budget sheet, want all of Council to keep an eye on their committees and ensure you have enough money and the figures are right. Don't want to wait until the end of the year and clean up the budget because we have over-spent. Caution – because we may need or want to do it, we have to first make sure it is fiscally responsible.

b. Public Works: Chair - CM Rudy Sutton

- Revisions and Discussion/Introduction of Grass Ordinance No. 14-05

- Would like to introduce Ordinance No. 14-05. If approved, this ordinance will revise the current provision against allowing ones property to become overgrown grass and weeds or accumulate rubbish, garbage and trash. Section 1 of this ordinance specifies a property owner is entitled to one notice per calendar year of a violation of the article, section 2 of the ordinance and it specifically states the Town can correct the violation and recover the cost and expenses related thereto.

- Would like to have a public hearing on October 1, 2014 at the Townsend Fire Station prior to the Council meeting at 7:00 pm for the final reading and consider public comments. In addition I will ask that Council consider and possibly approve Ordinance No. 14-05 following the public hearing at the scheduled Council meeting.

- I followed up with Ms. Kratzer on Main Street. Her complaint currently is she feels the sidewalk prior to the streetscape was flush with her yard and now there is a slope to the sidewalk. Based on what I see, the sidewalk would have had to be 10" taller to be flush. CM Sutton added the only way he sees that it can be fixed is the ground scraped back subtly to make less of a slope. The sidewalk is flush with the yard but with her age she has trouble walking from her yard to the sidewalk with the slope. She is not comfortable with it. CM Sutton asked TE Hyne to look at this.

- Mayor Hatton said he understands, it is a substantial slope from the yard to the sidewalk.

- TE Hyne said he will look into it. Our inspector did have them correct this in the beginning of the project, the slope used to be worse. They do have compliance codes they have to meet for steepness.

- Mr. Emsley asked if the ordinance address vehicles.

- CM Sutton said this ordinance doesn't specify vehicles.

- TA Townsend said we do have an ordinance that addresses vehicles.

- Mr. Emsley stated in NCC it is illegal to have an unregistered vehicle anywhere other than a garage. There are lots of unregistered vehicles around here.

- Mayor Hatton said they will look into this as soon as they are done with getting properties in Town cleaned up. It has been like this for so long, it just takes time.

- TA Townsend said chapter 58 of the code prohibits abandoned vehicles on property for more than 7 days. The code does not address vehicles parked on the street. This may be addressed elsewhere.

- CM Ness said the State Police will take care of the vehicles on the street.

- CM Sutton stated we need to do a better job of enforcing what we have on the books.

- After more discussion, Council decided to have TM Green make a list of addresses with abandoned vehicles on the property.

c. Land Use & Development: Chair – Mayor Jermaine Hatton

- 200 Finley Street – The school board came to us about 6 months ago to let us know they had some excess inventory in the Town of Townsend that they potentially would be willing to get off their books. They aren't using it and aren't going to do anything with it. They asked if we would be interested in it. I told them if they want to give it to us yes. I know many years ago this property and the old fire house property were offered to the Town and they were told no. This Council will take it and figure out what to do with it later.

- As a result, 2-3 weeks ago they sent information over to see if we would be interested in purchasing the property for \$1.00. Based on title 14 of the state code, for a school district to sell or dispose of any property, it has to be purchased for \$1.00 or a small monetary fee with several caveats included. One of these is they would have the right of first refusal to sell it and the other would be if the Town does sell the property after we have had it a number of years that the school district would get the proceeds from the sale for the value of the land only.

- Talked to TA Townsend about this and the school board asked me to come to the meeting and read this so the school board could approve moving forward with this. It has to go to Leg Hall for final approval and they are pushing to get it on the January bill. Don't know why they are so anxious to get this off the books, but we'll take it for \$1.00.

- This land is where the old Townsend Colored School used to be. The name of the school was actually 81C. The parcel is roughly 4.5 acres. They asked that we put a historical marker up commemorating the school. Looking at the structure, don't believe we will be able to do anything with it, really a shame. Most of the colored schools were built and funded by the DuPont family. They paid for 105 schools in the state. It's really a shame the Town didn't take advantage of the offer years ago when the building still stood, pretty dilapidated now. Again, we did not seek out the school board; they called us to see if we would be interested in this land. They have already talked to the legislators who have no problem with them giving us this land for \$1.00. They did all the hard work, still find it odd they want to get rid of it. They said if there is any other property in or around Townsend, they will let us know.

- Steve Tait is here to present a proposal that we talked about last week. He is looking to purchase a piece of land on Rt. 71 (6078 Summit Bridge Road), 9.5 acres, that abuts the Carter Farm and he would like to talk to us about annexing the property into Town limits if he were to purchase it.

- Mr. Tait said yes, and the other thing he would be looking for is a change in zoning. Currently the front 5 ½ acres is zoned commercial and the back is zoned residential. I would like it all to be zoned industrial. I'd like to put garages, small storage areas for contractors. There is a strong need for this and many deeds state you can't have commercial vehicles. Want to have ¼ and ½ acre fenced in storage buildings so they can work out of these structures and store their vehicles.

- Mayor Hatton asked if Mr. Tait has looked at any other areas around Town and was told yes.

- Mayor Hatton said he feels there may be a problem with zoning this property industrial with residential on both sides of the property. Also, Council is working very hard to clean the Town up. Any type of building put on the property would have to look nice.

- Mr. Emsley said they would be like his storage buildings in Wilmington.

- Mayor Hatton asked and was told that if this is done, Mr. Tait and Mr. Emsley will do it together. Bank of America holds the note on this property. Mayor Hatton added that Council can't vote on this, first it would have to go to the zoning committee, Council would then have to approve and then it would go to the PLUS committee. We can't tell you to buy or not buy.

- TA Townsend added that per Town code, no outside storage is permitted, it will be important that Council know what the applicant wants, but also have to see what the district allows.

d. Community Relations: Chair – CW Cindy Cook

- We are officially members of the Middletown Chamber of Commerce. There is an orientation breakfast on 9/25/14 from 8:00 am – 10:00 am and all of Council is invited.

- Have been visiting new residents after they move into Town. This was CW Gorman's idea and the new residents are always happy to see me and have the information I give them.

- Mayor Hatton stated CW Cook has been putting a lot on Facebook. He asked if we are getting any more traffic.

- CW Cook stated she has really been plugging the fair which has brought lots of inquiries. Likes are increasing. It is a bit of a balance, Facebook is a social network, we can put news up but people want to know about the fun stuff. It is a great tool for us to use.

e. Public Safety: Chair – CM John Ness

- Am working with Lt. P regarding the fair and parade. Police will cut off traffic for the parade, aviation will fly over next week to see the layout. K-9 possibly attending, will know next week. Horses can't come this year, will be at a state police fundraiser for slain officers. Called NCC for the Clydesdales, haven't heard back. The state police will be fingerprinting again this year.

- Working on the next demo for Lt. P to give at the October meeting.

- Working on how to distribute the reward monies for the arrest and conviction of anyone doing damage at the park.

- Mayor Hatton asked if the summer/winter patrol hours have been changed yet and was told no. He suggested we hold off on changing the hours until the vandalism in the park is resolved. Really want to catch the people doing this, possibly need to step up the hours at the park.

f. Parks & Recreation: Chair – CW Lorraine Gorman

- Park electrical
  1. Two cabinets are installed. Pavilion cabinet was stolen and a new one should be in next week.

2. TE Hyne added that Delmarva will be working at the park next week.

- Littering Violations
  1. Had a resident complain about the littering in the park. The basketball court and skate park are the bad areas. We can get cans out there but they will disappear. There are state laws about littering but the police are the only ones who can enforce it. Asked if Council would consider putting up some signs and after a discussion it was decided this won't be any help.

- Skate Park Maintenance (added 9/11/14)

1. Spoke with people we purchased equipment from. They said there is no type of solvent that will remove the paint safely, it will damage the equipment. They also said the equipment should be painted every couple years to maintain it and keep it safe. As the paint wears down it gets very slick. The paint is \$150.00 a gallon to re-paint the equipment. They said we will need 8 gallons to do this with what we have.

2. It can't be done before the fair but will need to be painted before long, it has never been done. The equipment isn't safe unless it is maintained.

3. There was a discussion again about putting cameras at the park. First we would have to find a place for them so they aren't stolen or damaged.

- Town Parade and Fair – September 27, 2014

1. Parade @ 10:00 am, line up at 9:00 am at Townsend Fire Company

2. Fair – 11:00 am – 3:00 pm @ Townsend Municipal Park

3. Judges will be in front of the Grainary. The parade line-up is done and all will be emailed their line-up number next week. It will be a really good parade. CW Cook is going to verify Katie Loftus is singing the National Anthem, once that is done, County Councilman Bill Powers will present awards to the state softball champs.

4. CW Cook added MOT Little League will be there Friday to mark the parking spaces in the multi-purpose field.

#### **VIII. Citizens Comments & Participation:**

- a. Dwain Haines asked why the drain in front of post office was just fixed, rather than doing it before the paving was done.

- b. TE Hyne stated it was part of the punch list if items to be fixed.

**IX. Adjournment:** 8:55 pm, CM Ness motioned, CW Cook seconded with unanimous vote.

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