

Mid-Month Council Meeting Minutes
February 17, 2016

7:00 pm - Meeting

I. Call to Order: 7:05 pm

II. Opening Ceremonies

- a. Roll Call: Mayor Jermaine Hatton, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TI David Naples, TM Dawson Green, TC Cathy Beaver
- b. Recognition of Visitors: none
- c. Pledge of Allegiance: Pledge was said
- d. Announcements:
 - Town Hall closed for Good Friday on Friday, March 25, 2016

III. Additions/Deletions to Published Agenda

- a. CW Gorman asked to delete the approval of the minutes.
- b. Mayor Hatton deleted Public Safety.
- c. CW Gorman motioned, CM Sutton seconded with unanimous vote to approve the agenda

with the above deletions.

IV. Council Minutes

- a. Approval of January 20, 2016 Mid-month minutes – deleted
- b. Approval of February 3, 2016 Council minutes - deleted

V. Mayor's Report

- a. Introduction of Ordinance No. 16-02: Voter Registration for Town Elections
 - We had to change some verbiage in this ordinance per the State Board of Elections.

We will have a public hearing and possible adoption of Ordinance No. 16-02 on March 2, 2016.

- b. Introduction of Ordinance No. 16-03:
 - Formation of Town of Townsend Planning Commission
 - Mayor Hatton read the title and synopsis of Ordinance No. 16-03.
 - Title: An act to amend chapter 66 of the code of ordinances of the Town of Townsend in order to establish a planning commission and revise the procedures for amending the zoning and unified development code (chapter 66) and zoning map.
 - Synopsis: This Ordinance replaces the zoning committee with a planning commission in accordance with state law. It also revamps the procedure for amending the text of the Zoning and Unified Development Code and the zoning map.
 - We will have a public hearing and possible adoption of Ordinance No. 16-03 on April 6, 2016.

c. Introduction of Ordinance No. 16-04: 605 & 615 Cannery Lane; Zoning Changes from Commercial to Industrial

- Mayor Hatton read the title and synopsis which reads: This ordinance will change the zoning at 605 & 615 Cannery Lane from commercial to industrial.
- We will have a public hearing on April 6, 2016 and possibly approve the ordinance in the Council meeting.
- Mayor Hatton commented that he knows how Council feels about this but we have to follow the process through to the end.

- d. Review of Comprehensive Plan action items

- CW Gorman said she has several questions after reading the comprehensive plan. This plan was written for the Town when we had less than 2000 people. Does this need to be changed?
- TM Green said that was the start number when we got our first comp plan. It has been revised over the years.
- CW Gorman asked if an entire new comp plan has ever been written.
- TM Green said no, we have 5 year update/reviews and IPA recommends what we need to do.
- Mayor Hatton added that all the changes are on the Town website.
- CW Gorman said there is a recommendation for health care, how can we do that. Are we supposed to work with realtors to reach out to certain businesses and where would they be able to go?
- Mayor Hatton and TM Green said when the original plan was written, many pipe dreams were added in that will never be possible in Townsend as Townsend is too small.
- CW Gorman asked if Council should be helping owners of property in Town find perspective buyers.
- Mayor said businesses aren't fond of our location, not enough people. Our growth is very limited.
- TM Green added Townsend doesn't have enough land. The only thing we could do is work with the planning commission on where we would like to see some growth.
- CW Gorman asked if Council should pressure NCC to do something with the regional park.
- Mayor Hatton said the federal government gave the land to NCC for a park. They had to do something with it – and you see what they did. Executive Gordon could care less about it. I talked to him about giving it to the Town but because they got it from the federal government, they can't give it away.
- CW Gorman asked what transfer development rights are.
- TA Townsend said the concept of this has never really taken hold but it was designed to allow farmers and owners of large tracts of land to keep the land in agricultural use and yet obtain funds by selling off to other developers their right to sub-divide and add density onto the farm they own. The idea started in NCC, not sure how much was done there but in Kent County we spent a lot of time passing ordinances to allow this to happen. What invariably happened was the developer who had a fairly dense development in the metropolitan area would buy development rights from a farmer and then attempt to add more density using the development rights. This brought out lots of opposition to proposed developments. A bank had to be set up for these, was a neat notion but doesn't work well. Don't think the Town needs to worry about the transfers.
- CW Gorman asked about increasing revenue through license fees and commercial property re-assessment. She asked if this was a tax.
- Mayor Hatton said we need to work on updating the business license fee ordinance. We are missing out on a lot of revenue from that. He added the fee schedule also needs updated. He said the Town still lives in the dark ages with our ordinances.
- There was a discussion about the business license fees.
- CM Sutton asked how much work is involved to implement a new ordinance.
- CW Gorman offered to help in any way she can.
- TM Green said some ordinances need completely removed, a lot of them need updated and changed and he also needs to pull out all the fees and combine them into one ordinance. This started when I first started 5 years ago and I haven't had time to do it.
- CW Gorman said the comp plan says we should continue our relationship with the MOT Senior Center and the 5K run.
- She was told both are non-existent now.
- TM Green said when we do the 5 year update we can remove the things that don't pertain to the Town anymore.
- Mayor Hatton said the comp plan is a living, breathing document. It has to fall in with the master county and state comp plans.

- Mayor Hatton said he had a meeting yesterday with a solar power company about the Finley Street property. If we put panels in there it would help defer the street light bills. TVI and TVII lights haven't been turned over to the Town yet. We may get TVI next fiscal year. He added it was a very interesting meeting. We need to get a plot plan for 200 Finley and some other information for the solar company. If we move ahead with something like this, we can sell the excess electric we make back into the grid.

- CW Gorman asked if they will build everything because of the wetlands and Mayor Hatton said yes. CW Gorman asked if we decide to do this, will we get other bids.

- Mayor Hatton stated this is a preferred company; they do municipalities and cities. The other solar companies all do residential. We will see what they come back with and see what other options are out there. He added he is looking into grant money also.

- TM Green said he submits the Municipal Street Aid (MSA) report in April every year. If TVI isn't turned over before then we won't get any money for it for this fiscal year.

e. Introduction of Ordinance No. 16-04:

605 & 615 Cannery Lane; Zoning Changes from Commercial to Industrial

- Mayor Hatton said if this ordinance is approved it will change the zoning at 605 & 615 Cannery Lane from commercial to industrial. Would like to have a public hearing and possible vote to approve the ordinance at the April 6, 2016 meeting. I believe I know the sentiment of Council but we have to follow this process to the end.

VI. Reports

a. Fred Townsend III, Town Attorney

- Have several questions about the ordinances and will talk with TM Green later about them.

b. David Naples, Town Inspector

- Received a call yesterday, Sun Builders may be building on the empty lots on Wiggins Mill Road soon.

c. Dawson Green, Town Manager

- Talked to Waste Industries. Allen said the drivers do not cut through on Cherry Street and go out Taylor rather than Cannery. He said they know not to do this and he checks the GPS in the trucks. Allen said the drivers do sometimes start their trucks between 5-6:00 am because of where their route is that day.

- There was some discussion about how many lots are still available to build on in Townsend.

- There was a discussion about the way Dollar General looks with all the trash. They get deliveries on Wednesday and the carts are not unloaded until Fridays. Corporate won't let them store stuff inside. Management has changed often with this store and TM Green said he is trying to get in touch with someone in corporate. Council discussed going through the process of fining the store but this could be a very long process.

VII. Committee Reports

a. Finance: Chair – Mayor Jermaine Hatton

- Mayor Hatton asked all of Council to notify Cathy as soon as possible if they will be going on the trip to DC.

- We are sending all the data to Roland and Johnson to complete this year's audit. This audit will be similar to last year's audit, had to do a lot of hands on work to correct mistakes in the system. We have not lost any money or had any fraud, payments were not applied properly in the system and deposits were never made in a timely manner. All of this has been cleared up and once this audit is done, the line in the sand will be gone and next year's audit will be as it should have been all along.

- Finances look really good, only big bill still out there will be for the site work at 141 Main Street.

- TM Green clarified that when TE Hyne presented Council a change of scope for more money for the 141 Main Street project that Council only approved the extra money for Dave's inspections.
- Mayor Hatton said that is correct, the Town won't pay any more money for anyone except TI Naples from RVB.
- TM Green stated he just received an invoice for half the amount approved. He asked TI Naples if there is enough money to pay him to the end of the project.
- TI Naples stated he doesn't know what RVB bills for him on any project; they don't share that with him. Regardless of that he added he isn't optimistic. He does not have a good feeling about this project and after what he has heard the last two days, it is very clear you won't get into the new Town Hall any sooner than mid-March. Very pessimistic about this. Chris said today that the fire doors won't be in until March. Have had nothing but aggravation with this job. Was led to believe the doors were ordered in September or October. My guess is because fire doors are expensive, Chris didn't order them then. I have requested documentation on when they were ordered. These are minimum fire doors required by code; you can get them from Home Depot in 2 weeks. Can't even get a temporary CO without the fire doors; fire marshal will never approve it. Per what Chris told me today, the doors won't be here until at least 3/2/16 and with his track record they won't be put in for 3 weeks. An early April move is very optimistic.
- CW Gorman asked if the fire escape has been fixed.
- TI Naples said the fire escape is code compliant. There is still an outstanding issue with the decking material which hasn't been resolved. You can get a CO with them as they are. It is up to Council to decide what will be done.
- TI Naples added he has reduced his hours on the job site. He can't be there non-stop for the contractor to keep fixing things he has done wrong.
- Mayor Hatton asked how the site guy is doing.
- The last time TI Naples saw the site contractor was the beginning of last week to work on the sidewalk. He hasn't done anything else. He leaves the Mayor voicemails that he is meeting me on the site and never shows up. He never calls me, I find out about the voicemails from Mayor Hatton.
- TM Green said with the way the site looks, the Town can fine them or he can call Andy Bowman from DNREC to have him shut the site down which will delay us getting into the building longer. Our worksite is not in compliance, what would Council like us to do?
- Mayor Hatton asked what we would do to a contractor on another job site and TI Naples said he would issue a stop work order.
- Mayor Hatton said to do this; we have to follow our own rules; we have to hold ourselves to the same level we hold everyone else too. We are out of compliance with the construction entrance, Main Street entrance, the silt fence, trash, etc. Mayor Hatton asked if a stop work order would have more impact from TI Naples or DNREC.
- TI Naples stated DNREC would have more impact.
- After a long discussion, it was established a stop work order only resolves half the Town's problem. Both contractors are well past their contract time to have the job done, you could collect liquidated damages. I have mentioned this several times to Council and TE Hyne.
- Mayor Hatton asked TI Naples to explain what liquidated damages are.
- TI Naples explained that once a contract deadline has come and gone and the contract hasn't been fulfilled, the contractor is on the hook for a certain amount of money (whatever is stated in the contract) on a daily basis that he would owe the Town for not obligating his contract. I don't know what the amount is with this contract, I had nothing to do with it; TE Hyne would have that information.
- After another lengthy discussion, it was decided CM Sutton would notify TE Hyne immediately to start liquidated damages and TM Green will call DNREC tomorrow to come out and investigate the site and shut Suppi down.

- b. Public Works: Chair - CM Rudy Sutton
 - To clarify all of the above, Council decided that TE Hyne needs to move forward with liquidated damages on Affordable Contractors and TM Green will call DNREC to check the worksite at 141 Main Street to make Suppi fix the things that have to be done or shut the site down. CM Sutton will call TE Hyne tonight and send an email.
 - TM Green added that TE Hyne sent Suppi a letter that fines are starting at his Cannery Lane property as he hasn't done anything with the notice of violation letter that was sent.
- c. Land Use & Development: Chair – Mayor Jermaine Hatton
 - Have had a landowner ask about annexing property into Town. Not sure what will happen yet.
 - The old car lot on Rt. 71 and Main has seen some movement. The current owner wants to square up the property and trying to buy the property next door.
 - There will be a public hearing for Cannery Lane zoning on March 2.
- d. Public Safety: Chair – CM John Ness – not here
- e. Community Relations: Chair – CW Cindy Cook
 - Going to get an alternative date for the grand opening of the new Town Hall. Going to invite the local businesses. If there is anyone Council wants invited, please let me know.
 - CW Cook said she has been looking into the Town going paperless. Smyrna has gone paperless because of the overall cost and she has talked with them and will look into this further.
- f. Parks & Recreation: Chair – CW Lorraine Gorman
 - Community Events
 - a) Easter Egg Hunt – Saturday, 3/19/16, Raindate: Sunday 3/20/16 @ 2:00 pm
 - b) Immanuel United Methodist Church will be helping with the cupcakes.
 - c) Still need someone to dress as the Easter bunny.
 - NWF Update
 - a) As part of our commitment, Mayor Hatton has to do a proclamation to save the Monarch butterflies.
 - b) The butterfly garden at Townsend Elementary School will be done in April.
 - c) National Wildlife is sending us 100 seedlings to hand out to residents.
 - CW Gorman asked CM Sutton about getting a plaque for the Carter's thanking them for the use of the current Town Hall for all these years. It could be presented to them at the grand opening ceremony.

VIII. Citizens Comments & Participation: None.

IX. Adjournment: 10:00 pm, CM Sutton motioned, CW Gorman seconded with unanimous vote.
