



## Mid-Month Council Meeting Minutes October 22, 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 (7:04 pm), TE Owen Hyne, TM Dawson Green (7:03 pm), TC Cathy Beaver
- b. Recognition of Visitors: Chrisann Ott, Al Harrington, Michele Andersen, Barbara Augustson, Dwain Haines
- c. Pledge of Allegiance: Pledge was said
- d. Announcements:
  - Trick or Treat hours are 6:00 pm – 9:00 pm on Friday October 31<sup>st</sup>, curfew 10:00 pm
  - Town Hall closed November 4, 2014 for Elections
  - Town Hall closed November 11, 2014 for Veterans Day

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

- a. CW Cook asked to delete 7d, Community Relations
- b. CW Gorman motioned, CM Sutton seconded with unanimous vote to accept the agenda with the above deletion.

**IV. Council Minutes**

- a. Approval of September 17, 2014 Mid-month minutes
  - CM Sutton motioned, CW Gorman seconded with unanimous vote to accept the minutes as written.
- b. Approval of October 1, 2014 Council minutes
  - CM Sutton motioned, CM Ness seconded with unanimous vote to accept the minutes as written.

**V. Mayor's Report**

a. Last Thursday, TM Green, TA Townsend, TE Hyne and I met with NCC Special Services about the sewer allocation and issues per the agreement signed in 2001. We did put in a FOIA request trying to get some additional information so we had a clarification meeting with them. They now clearly understand what we are looking for. Hopefully we will receive all the documentation within the next 10 days.

b. Today I met with a Professor at Delaware State who is also part of the DE Economic Development Program to see how they could help the Town put together a strategic plan on the overall economic growth for the Town. They do a lot of work in Kent and Sussex County and are reaching north. They contacted me to see if we would be interested in talking. It would be good to have some smart growth to help the revenue of the Town. He is putting some plans together and will attend a mid-month meeting in the near future. This group is funded through the federal government, will be a great opportunity for Townsend to be to use free government funds.

**VI. Reports**

- a. Fred Townsend III, Town Attorney
  - Spoke with Danielle Blount at the Governor's office on the concerns with our revised charter. Before talking to her, there were a number of housekeeping amendments if the charter would have been worked and passed so I incorporated them into the charter that we will re-submit. I removed one item that was added to the charter, the provision that if you have any unsettled debt with the Town you can't run for office. They said this can't be in the charter.
  - I learned that Danielle from the Governor's office was really voicing concerns from the State Planning Office. The planning office targeted the absence of any procedures to address annexations. They also questioned the assessment section. The Governor's office couldn't explain this concern, however this language wasn't modified. I'm waiting to hear from her about this, I don't expect to have to change this, we piggy back on NCC assessments.

- The annexation issue is foremost. Currently the process is very out of date. The state requires that any property owner that requests annexation go before a committee. I believe this is more along the line of rezoning. We would have to have a public hearing and write an ordinance. Julia O'Hanlin from UofD recommended looking at Dover's annexation procedure.

- After discussion, Council agreed to have TA Townsend incorporate Dover's annexation process into our charter. Once done, it can be discussed and voted on at a meeting so we can get this to Leg Hall for approval.

b. Owen Hyne, Town Engineer

- Streetscape close to being done. Trying to get DelDot to start closing out. Noticed ponding by DE Homes and will try to get it fixed. Streetlight in front of 304 Main Street is out.

- Mayor Hatton said there are three more lights out toward Chestnut Street.

- TM Green stated he has already reported the outages to Delmarva Power.

- TVI has base pavement done and they are working on the pump station.

- TVII open space is being graded, won't take long to get it done.

- Mayor Hatton said TVII West is done and equipment has been moved to TVII East.

- Am looking into a Stormwater grant for the Town.

- CM Ness asked when the bags will be removed from the trees.

- Mayor Hatton asked when the tree holes will be filled and stated the bags were dry toward the end of summer.

- TE Hyne said the contractor uses the bags for the water so they don't have to have someone in Town daily. Contractor is responsible for the trees for 2 years, if one dies, they have to replace it.

- Al Harrington asked if Phase II is based on the budget.

- TE Hyne said the Town is looking into additional funding for Phase II.

c. Dawson Green, Town Manager

- The open space grading in TVII should be done by the end of the week.

- Will be ordering the one way signage from the state in the morning.

- Have had many residents come in or stop me on the street in the last 4-5 days about the excessive grainary dust. Have been to the grainary several times this week already, asked Marshall to come to the meeting tonight but he couldn't make it. He will be at the November 5, 2014 Council meeting. I also asked him to supply me with the latest report from DNREC and should have that tomorrow.

- Mayor Hatton said Mr. Rocke called earlier today, he is very upset as he and the wife can't sit on their front porch because of the dust.

- Mr. Harrington asked if there are controls in place to tell us what we are inhaling.

- Mayor Hatton said the report from DNRC should tell us that and we will request them to out again. He added he is concerned about why the dust is so much heavier this year than previous years.

- Mrs. Augustson stated not only can they not use their porch; the cars are also filthy and covered.

- Ms. Andersen said she has lived her entire life here, she talked to DNREC, they said it all fits within the parameters of the law. They also told me the law was changed a year ago after a lot of lobbying, and they changed the filter parameters. The man told me it will take a bill to get this changed back to the parameters they were at.

- Mayor Hatton said basically they changed the threshold.

- Mr. Harrington stated it was modified to give the grainary more leverage. In 2007 and 2009 they applied socks where they fill the trucks which eliminated a lot of dust buildup. This was changed ironically when Mountaire bought the grainary.

- Mrs. Augustson stated they have all called Mountaire and they ignore us.

- Mayor Hatton said we will have Marshall at the next meeting and will look into this to see what we can do.

## **VII. Committee Reports**

a. Finance: Chair – Mayor Jermaine Hatton

- We are still waiting to complete our audit; hopefully it will be done in the next 30 days. They will be back on 10/30/14 and should be able to come to the December workshop to present the report.
  - Discussion/possible vote to purchase tax parcels 14-016.01-046 and 25-002.00-021 as a possible site for a new Town Hall (added 10/21/14)
  - The address is 141 Main Street. The Town would like to possibly acquire this property for the site of the new Town Hall.
  - TE Hyne stated this is a 3 story building, almost 3400 square feet with a lot of rooms. It is an old house with a lot of charm to it. It has a lot of possibilities.
  - TE Hyne passed out conceptual drawings of the floor layout of each floor and conceptual floor layouts for a Town Hall if the Town purchases the building.
  - Mr. Harrington asked if the house is listed on the historical registry.
  - Mayor Hatton said it is, but the Town doesn't have a historical registry designation, we are listed as part of the district. Many homes in Town are mentioned but didn't actually make in on the registry with no designation.
  - TE Hyne showed two conceptual drawings of parking in the back of the building. The primary driveway would come off Main Street with ADA parking up front, can enter and exit from Ginn Street to the parking area also.
  - Mr. Harrington asked if the integrity of the building will be impeded using it as a commercial building and it not really on the registry. He added he has been in there and it is a beautiful home.
  - Mayor Hatton said it could, but that isn't Council's desire. We don't want to take away any of the charm of the building. We can change the inside to make it work and keep a lot of the detail and keep the outside as it is. It is the largest structure in Town, centrally located, and has been vacant for years. Our engineer went through it with a fine tooth comb and it is very structurally sound.
  - Mrs. Augustson asked what the zoning would be changed to, it is residential now.
  - Mayor Hatton said it will be governmental.
  - TA Townsend said the Town could not turn around and sell the building to a business without additional zoning changes.
  - Mayor Hatton stated we don't own this building, we are squatters and have outgrown the building, need more space. Previous Councils had discussed building a brick building in the park but the numbers didn't work. If we could actually save an old building in Town and convert it to our use, it will also help us maintain the small Town feel. All of this will take time.
  - TE Hyne passed out cost estimates to convert the property into a Town Hall if Council approves the purchase. He stated the estimates are on the high side.
  - CW Gorman stated RVB did a nice job with this but is concerned about the cost. Believe we will be spending more money than this and am reluctant to move forward.
  - CM Sutton stated the numbers are the worst case scenario; he is very comfortable that we will be well under this number.
  - CW Gorman asked where the money will come from; we are looking at \$800,000.
  - Mayor Hatton stated this is an historical structure and is going to be a government facility, we will get tax credits and money back from the state.
  - CM Sutton motioned to purchase 141 Main Street, CM Ness seconded with a unanimous vote.
  - Mayor Hatton added the purchase price will be \$250,000.
- b. Public Works: Chair - CM Rudy Sutton
- CM Sutton passed around pictures of Town Hall signs to go in front of the new Town Hall for Council to consider.
- c. Land Use & Development: Chair – Mayor Jermaine Hatton
- Discussion about 660 Commerce Street – dividing lot into 2 parcels

- Mayor Hatton asked Chrisann Ott to explain to Council what she would like to do with her property at 660 Commerce Street.
  - Ms. Ott showed Council the plot plan of the property. It is actually 3 lots listed as one parcel. She would like to divide the property into 2 parcels and build homes on both lots.
  - After much discussion, Council agreed this would go before the zoning committee to research and give Council a recommendation. TM Green and TE Hyne will figure out exactly what has to be done and will contact Ms. Ott by the end of next week.
- d. Public Safety: Chair – CM John Ness
- Arranged for the police to be on patrol the evenings of October 30<sup>th</sup> and 31<sup>st</sup>.
  - Lt. P will have a second discussion on forming a Town watch at 7:00 pm, prior to the Council meeting on November 5<sup>th</sup>. We are trying to drum up enough support for the Town to have residents patrolling.
  - Mr. Haines and Mr. Harrington complained about speeding on Commerce Street again. Both said they haven't seen the police at all.
  - Mr. Haines said he called the police last Friday for three dirt bikes flying down the street, one of them on the sidewalk. The police never came, nor did he get a call back.
  - CM Ness stated he will look into it. He added that if they get no response in the future to call him so he can look into it.
- e. Parks & Recreation: Chair – CW Lorraine Gorman
- Lifehouse Church has asked if they can have a candlelight ceremony on Christmas Eve at the park again this year. All of Council agreed this was fine.
  - Electric Installation in the Park
    1. TE Hyne said if all goes well, the electric will be done and on Friday.
    2. CW Gorman asked if they were able to lower the cabinet by the pavilion and was told yes.
    3. Review/Vote on Change Order #3 (added 10/21/14)
      - a. This is an additional cost for conduit and wiring due to additional corners they had to go around. Once all is done, we will have an as-built showing exactly what we have out there.
      - b. CW Gorman motioned to approve an additional \$8,621.00 for the electric in the park, CM Ness seconded with unanimous vote.
      - c. Mayor Hatton explained this money will be split with the matching grant we have.
      - d. Going forward, the contract and rental fee will have to be changed for pavilion rental if they want to use the electric.
  - Town Fair Wrap-up
    1. Lifehouse Church donated \$255.00 for the popcorn and cotton candy donations they received at the fair.
    2. Net income for the fair is just shy of \$3,100.00. We had additional costs for the fair this year, so happy with this profit.
    3. Sent certificates of appreciation and/or thank you letters to all our sponsors.
    4. Will present the volunteer of the year award at the 11/5/14 Council meeting.
  - Participation in Blackbird Creek Festival
    1. Set up a Town table at the festival on Saturday. Made ghost pops for the kids, sold 2 t-shirts, had habitat information out. Interesting event, met many people outside Town limits but all still wanted to volunteer for Town events. Great way to brand the Town, think all should participate in events they hear about.
  - Suggestions for future Community Events
    1. Think we should do something for the Veterans again, has been awhile since we did anything other than mail coupons. Didn't get a response from anyone for suggestions.
  - Report on National Wildlife Federation
    1. There was an article in the paper that the former secretary of DNREC, Collin O'Mara applauded Delaware and mentioned Townsend as being the first Town in the state to be certified as a wildlife habitat.

Newark just became the second Town to certify in the state. Think this is a good thing and something that needs to be continued.

**VIII. Citizens Comments & Participation:**

- a. Mr. Haines said the school children stand on the edge of the bump-out by the street at Main and South Street. Very close to cars and dangerous. May want to consider this when you do the rest of the streetscape.
- b. TE Hyne stated the intent of the bump-outs is to keep vehicles in the middle of the street.
- c. CM Ness added we may have to have the school change to bus stop.

**IX. Adjournment:** 8:45 pm, CM Ness motioned, CM Sutton seconded, vote unanimous.

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