

Town of Townsend Council Minutes
June 4, 2014

7:00 pm - Re-Organizational Meeting

- I. Call to Order: 7:00 pm
 - II. Roll Call: Mayor Jermaine Hatton, CM John Ness, CM Joel Esler, CW Lorraine Gorman, CM Rudy Sutton, TE Owen Hyne, TC Cathy Beaver
 - III. Pledge of Allegiance: Pledge was said
 - IV. Introduction of New Council Members:
 - Jermaine Hatton
 - Cindy Cook
 - V. Oath of Office for Newly Elected Council Members:
 - Both candidate elects read the oath of office.
 - After reading the oath and being sworn into office CM Hatton and CW Cook took their seats behind the table and CM Esler moved into the audience.
 - VI. Introduction of Entire Council: CM Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton and CW Cindy Cook were introduced.
 - VII. Nomination and Election of Town Mayor for one (1) year term:
 - CM Ness nominated CM Hatton to serve as Mayor for a one year term. CM Sutton seconded the motion. There were not any other nominations. Vote unanimous for CM Hatton to serve as Mayor for the next year.
 - VIII. Oath of Office for Town Mayor: CM Hatton read the oath of office to serve as Mayor for the Town of Townsend for a one year term.
 - IX. Presentation to CM Joel Esler:
 - CM Esler was presented with the gavel and block he used while serving as Mayor in 2012, his name plate, Resolution No. 14-01 and a gavel and block shadow box engraved with his years of service and the Town seal.
 - Mayor Hatton also presented CW Cook with a Town lapel pin.
 - X. Adjournment: 7:13 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.
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7:30 pm – Council Meeting

- I. **Call to Order:** 7:30 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, TM Dawson Green, FO Azure DeShields, TC Cathy Beaver
 - b. Pledge of Allegiance: Pledge was said
 - c. Recognition of Visitors: 5
 - d. Announcements: no announcements.
- III. **Additions/Deletions to Published Agenda:**
 - a. CM Sutton asked to delete 6b, public works.
 - b. CM Ness motioned, CW Gorman seconded with unanimous vote to approve the agenda with the deletion.
- IV. **Council Minutes** (copies on back table)
 - April 30, 2014 Mid-Month minutes approved 5/21/14
 - May 7, 2014 Council minutes approved 5/21/14
- V. **Reports**
 - a. State Police: Lt. Tom Paskevicius – not able to attend

- b. Representative Jeff Spiegelman
- Today I requested that the charter change be in the house administration committee on Wednesday next week; hope to get it to Senator Ennis as soon as possible for his approval. Quinn Johnson and Bethany Hall-Long are co-sponsors and thank the Town for including them.
 - Still don't know what the municipal street aid will be in this year's budget. The governor proposed the same number as last year, but still don't have a definite. Lots of cuts being made. The Governor's municipality projects were kept in the budget which Townsend will qualify to compete with the other NCC municipalities for the district. I understand any plan put together by Council and sent for approval, any money spent on the plan will be re-imbursed. However, you will be up against Wilmington.
- c. Townsend Fire Department: Keith Shoemaker
- Spring Fling on 6/14/14. Tickets are \$100.00 each and you don't have to be present to win.
 - Quarter auction at Smyrna Middle School on Friday, 6/6/14 to benefit a young girl with leukemia.
- d. Town Attorney Fred Townsend III:
- House bill 333 looks like it is on its way, it creates an artificial limitation on municipalities to rely on the all powers clause in its charter to set fees and taxes. The bill sponsors have met with a lot of resistance that wasn't expected. They have entertained some amendments to the bill but when the amendment is longer than the bill itself you question whether the bill has merit. There isn't always a bright line between a tax and a fee. There could be a lot of litigation turmoil if this bill is passed. The sponsors are listening to the arguments and trying to improve the bill but most solicitors object to it, it's a dangerous road we shouldn't go down. I recommend this bill, even amended should not be accepted by municipalities, however, it has a strong group of sponsors and there is reason to believe at least part of it will be passed.
 - TA Townsend said the amendment strikes subsection c.
 - Mayor Hatton said this amendment will restrict fees for building permits and the like.
 - TA Townsend said it requires the fee must be reasonable related to the cost of administering the licensing program.
 - Representative Spiegelman read the amendment from his email and said this bill is on the docket for 2:00 pm tomorrow.
 - TA Townsend said the amendment is meant to grandfather in any fees and taxes but what if a municipality wants to increase a fee. Does it mean you have to go to the general assembly and request permission? The amendment leaves that question in doubt and someone could argue that it would take 2/3 of the general assembly to authorize an increase of a fee. Would be very problematic.
 - Rep Spiegelman asked where the Town stands on this bill. Mayor Hatton stated based on our attorney's comments and advice we are not in favor of the bill. We are a very small municipality and it will handcuff us if you take away our right to charge a fee for permits. It will cripple us. Mayor Hatton asked Rep Spiegelman where he stands on the bill and Rep Spiegelman said Townsend happens to be the municipality he answers to the most and will relay our standing in the house.
- e. Town Engineer Owen Hyne:
- Continue to monitor the development of the Dollar General, the streetscape and building and site work in TVI and TVII.
 - Have had a few small changes on the streetscape. It is moving along.
 - Had a pre-construction meeting on the park electrical today. It is the same contractor that is doing the electric for the streetscape. They want to start June 16th and it will

take about 2 months to complete. We are issuing a Notice to Proceed and they have given us their schedule.

- Council asked me to look into the possibility of one way traffic on north Commerce Street. After looking at it and taking measurements TE Hyne stated he recommends the Town make this a one way street.
- CM Ness asked if there is anything the Town can do now for the next phase of the streetscape to keep it flowing once this phase is done.
- TE Hyne stated DelDot is waiting for this phase to be finished and will then consider letting us start on the next phase. Streetscapes are always better when they are continuous.
- Mayor Hatton said he spoke to Jeff at DelDot and we will send a letter on Friday with our request for funding for Phase II of the streetscape.
- Mayor Hatton asked if TE Hyne had looked at the parking lots in the park.
- TE Hyne said he had and they are still in good condition. He doesn't believe we need to sealcoat the lots right now, possibly not for several years. However, they could be re-stripped.
- CM Sutton asked if there is a plan for the resident's driveway on Main Street (in the streetscape area) that is 12" above grade.
- TE Hyne said he has talked to the contractor about this. In this situation we will have to go back about 5'. It will be stoned for now and will be paved when they do the blacktop.
- Mayor Hatton asked when the north side of the street will be done.
- TE Hyne said he was told today that they will be done and on the south side of the street on Monday. The foreman feels the south side will go much smoother and he knows he has a deadline of July 7th to be done.

f. Town Manager Dawson Green:

- Only one new home permit was issue in May.
- It took a while for the developer to hire someone to mow the open areas in TVII but am working with them to get them on a mowing schedule.
- A lot of dirt has been dumped at the end of Walnut Street, met with New Castle Conservation last week and was told there are some wetlands back there. Trying to resolve this with the property owner. Although it is happening in Town limits it is actually the concern of the Soil Conservation District as well as DNREC.
- The Dollar General site is moving along. They submitted their plans which have been reviewed.

VI. Committee Reports

a. Finance: Chair – Jermaine Hatton

- Vote to approve FY 2014-2015 budget
 - I. This vote will be done at the 6/18/14 Mid-Month meeting.
- Finance Report – Total assets: \$3,425,189.64, total liabilities: \$2,934,446.68.
 - I. The budget is looking very good from a financial position, have decreased our spending by a lot and started to make some additional revenue, mainly because of properties being sold. Because of the way the housing market is, we are looking into new avenues of revenue.

b. Public Works: Chair – CM Rudy Sutton - deleted

c. Land Use & Development: Chair – Jermaine Hatton

- Council discussion/approval/vote to annex 660 Commerce Street: new owner has asked to be annexed into Town but have to verify that this property doesn't have to go before the PLUS committee.

- Received the comments back from the PLUS committee on the 6 parcels we asked to annex into Town. The County shot us down because of sewer. Mayor Hatton asked Rep Spiegelman to help us with this. NCC thing about this is all about sewer and right now, we really don't have sewer if anyone wants to come to Townsend. We need help on coming up with a plan to fix this.
- d. Community Relations: Co-Chairs – CW Lorraine Gorman
 - Mayor Hatton stated this will be transitioned to CW Cindy Cook. She has some experience and background doing community relations and is looking forward to opening up more avenues for us to communicate to the residents and doing some fun, cool things.
- e. Public Safety: Chair – CM John Ness
 - CM Ness thanked former Mayor/CM Mayor for his work helping keep the Town in line and moving forward and welcome CW Cook to Council.
 - Previously we were piggy backing Middletown on R911, however their in house system is old and by the fall they will have a new cloud system. If we still want to participate in the program it will cost \$1,000 per year and as we grow it will cost more. Will present the proposal to Council for approval at a later date.
 - Am meeting with Ms. Bell (executive director) from DELJIS next week at Town Hall in case we decide to pursue our own police force in the future. They have assigned us our own exclusive reference number and they have to ensure a police officer will have a private place (office) to sit at a desk to file confidential reports and access information from the DELJIS system.
 - Will be talking to the police to slightly increase patrols on the weekends for the summer.
- f. Charter & Ordinance: Chair –
 - Mayor Hatton said we don't currently have a chair for this committee.
 - Hopefully the charter is on the docket next Wednesday. The charter went in tack; nothing was removed from what Council approved. Mayor Hatton stated the attorney for the DLLG reviewed our charter and emailed his comments today.
 - Rep Spiegelman said both of his attorneys reviewed our charter since this was his first one. Not sure what to expect with it.
 - TA Townsend and Mayor Hatton plan on attending the session when the charter will be presented to the committee.
- g. Parks & Recreation: Chair – CW Lorraine Gorman
 - Annual Town Fair & Parade – Saturday, September 27, 2014
 - Still soliciting for vendors, parade participants and volunteers.
 - The event is rain or shine.

VII. Citizens Comments & Participation

- a. Mr. Haines said he has had several people ask him if South Street can be made 2-way again as it used to be.
- b. Another resident stated it is extremely inconvenient for the residents to go all the way around Commerce to get to Main.
- c. After a lengthy discussion Mayor Hatton said Council will have our engineer look into this to see if it is feasible.
- d. TA Townsend said we should have a public meeting about this issue.

VIII. Adjournment: 8:20 pm, CM Ness motioned, CM Sutton seconded with unanimous vote.
