



**Townsend Council Meeting  
October 4, 2017**

**7:00 pm – Council Meeting**

- I.** Call to Order: 7:30 pm
- II.** Opening Ceremonies
  - a. Roll Call: Mayor Rudy Sutton, CM Jermaine Hatton, CW Lorraine Gorman, CW Cindy Cook, CM Steve High, TA Fred Townsend, TE June Andres, TM Dawson Green, TC Cathy Beaver
  - b. Pledge of Allegiance: Pledge was said. After the pledge, a moment of silence was held for Senator Bruce Ennis for the loss of his wife Grace and for all the innocent lives lost in Las Vegas.
  - c. Recognition of Visitors: 13
  - d. Announcements: Town Hall closed Monday, October 9, 2017 for Columbus Day.
- III.** Additions/Deletions to Published Agenda:
  - a. CM High asked to remove 7a, the police are not here.
  - b. CW Gorman motioned, CM Hatton seconded with unanimous vote to accept the agenda with the above deletion.
- IV.** Council Minutes
  - a. Approval of 8/23/17 Workshop minutes
    - CW Gorman motioned, CM Hatton seconded with unanimous vote to approve the minutes.
- V.** Mayors Report
  - a. Discussion/possible vote to approve Ordinance No. 17-04 – Streetlight Fees
    - Mayor Sutton thanked TA Townsend for preparing the final draft of this ordinance.
    - CW Gorman motioned, CW Cook seconded to approve Ordinance No. 17-04.
    - In the following discussion, CW Gorman said the approval of this ordinance will give the Town the means to set aside the money to pay the light bills in the future. It doesn't mean it can't be changed in the future and that the amount can't be changed; it means we will have the means to pay the bills.
    - Mr. Mueller said he has been expressing his opinion for 10 months now but he wants to see this passed as he has been paying for the lights in his HOA fees since last January. In the futures he would like to see it changed to a tax so he can get it back at the end of the year. He agrees with making it a flat tax based on the assessment of your home down the road and understands a new tax has to go to Leg Hall and be signed off by the Governor. However, this needs to be done now and I will push at future meetings to get it changed to a tax. He asked when this will start being billed to the residents and was told we don't know yet. A lot of work to be done first.
    - After more discussion Mayor Sutton called for a vote as follows:
      - I.** CW Gorman, CW Cook, CM High – aye, CM Hatton – nay. Vote carried.
- VI.** Reports
  - a. State Police: Lt. Anthony Hudak – deleted
  - b. Representative Jeff Spiegelman
    - Rep Jeff apologized, said he had to leave right after his report as he has to work tonight.
    - Viewing is tomorrow night for Grace Ennis; the funeral is at 11:30 am on Friday at 123 Commerce Street in Smyrna.
    - Blood banks around the country sent large portions of blood to Texas and Miami and the rest to Puerto Rico. They are out of blood; encourage all to give.

c. Town Attorney Fred Townsend III

- Spoke with Troy Geiger about the Planning Commission (PC) and its role. To date the commissioners are a new concept; don't have a lot of history or coordination between them and Council. We discussed the PC role in re-zoning. Reminded him that the PC is a recommending body and would hold a public hearing and make recommendations to Council. Council should have a large role in what the PC is doing. If a zoning application/request comes in, need an informal rule for the Town staff to either pass it to the PC or add it to the agenda for Council to hear and refer to the PC; then need to have interaction between the PC and the applicant. Sufficient information needs to be given to the PC; hearings must be publicized 15 days prior to the meeting. From there; in a formal scenario, would create an ordinance and give a recommendation to Council who would consider the PC recommendation and have a public hearing. It isn't a simple thing – all need to work together to make this a smooth process.
- CW Gorman agreed that anything that comes into Town Hall must first go to Council who would make the decision to send it to the PC.
- TA Townsend said it would be appropriate to put it on the Council agenda to make a formal referral to have it on the PC agenda. It would be rare that Council would stop the process at the meeting and not pass it to the PC.
- TM Green said a re-zoning can possibly take 60-90 days. We have to have a 15 day notice for a public hearing to add it to the agenda. He asked TA Townsend if the PC or Council will introduce the Ordinance.
- TA Townsend said only Council can introduce an ordinance which would be drafted by staff or myself with PC input; whichever is best.
- TM Green said recommendation has to go back to Council; they would have to digest the recommendation, and then add it to an agenda to introduce with 15 day notice for the public hearing, and then add it to the next agenda for possible approval. He added that if he ever receives anything in the office, he will always give it to the co-chairs of the zoning committee for review and they can pass it onto the PC. This will all take several months.
- TA Townsend stated in an instance there is a rush for a zoning change; we could notice the hearing prior to the PC meeting so the meetings could run concurrent weeks: example – if Council is considering changing zoning code restrictions; would introduce the ordinance, send to PC for recommendation, advertise the public hearing and then vote on the ordinance – consecutive weeks.
- CW Gorman said she feels any zoning request change will require a vote and feels it should go to all of Council, not just the co-chairs, for review prior to being given to the PC.
- TA Townsend said anytime Council sends something to the PC, Council can always attend the PC meetings but because they will be making recommendations to Council; Council should not actively participate in the discussion.
- Mr. Mueller asked if anyone on Council had an interest in a zoning change, would they reclude themselves from the vote.
- TA Townsend said yes; if a Council member has an interest that would cause a conflict they would reclude themselves and leave the table before the vote takes place. They would have no role in writing the ordinance or any recommendation.
- TM Green asked if the PC should make all recommendations in writing.
- TA Townsend stated if there isn't a hurry the recommendation could be in the approved PC minutes which will take longer as the minutes have to be approved first. If have an ordinance before them; feel the PC chairman should attend the public hearing to answer questions; could orally represent what action the PC took at the meeting or they could draft a short letter to Council.

d. Town Engineer June Andres Jr.

- Had a pre-con meeting with the TVI developer; they are ready to build the next phase, 25 lots. It is an extension of Helen Drive to tie into Edgar Road. Anticipate starting work in 3 weeks. Only 1 phase left after this. They will start applying for building permits in March or April.
- TVII West – going back and forth with the developer on the punch list; the revised punch list overwhelmed him. Walked the site and took pictures to show work that has to be done.
- Will revise the letter to the residents about the trees after receiving emails from Mayor Sutton and CW Gorman.
- In TVI, the trees the residents didn't want in their yards were planted in the open spaces. Is that what Council wants done with any unwanted trees here?
- CW Gorman suggested planting them in the park unless they have to be planted in the development because of the site plans.
- TM Green stated the developer needs to send the letter, not the Town. We don't know when the trees will be ordered or planted; it is the developer's responsibility. Think the Town has been more than patient with Saperstein; let the residents contact him to take care of the issues.
- Mayor Sutton agreed this is a good recommendation.
- TE Andres agreed; Mark has answered only 1 email in 6 months; I hear more from his contractor who tells me Mark doesn't want to fix the curb.
- CM Hatton said the original punch list said all of the curb on East Founds Street had to be replaced and it isn't on the revised punch list – why? Saperstein now only wants to fix ¼ of the curb. He understands he has to put up a bond but we will be in the same situation as we are with the streetscape; don't understand the rationale; we are letting him off the hook. He needs to replace all the curbing; we have given him a lot of leeway over the years and don't agree with letting him get away with this.
- TM Green said when he spoke to the contractor, he wasn't even aware of what all had to be done. Mark doesn't like to talk to anyone. Need to get the conversation started and I believe this is what TA Andres is doing.
- Council all agreed that all the curbing has to be replaced. TA Andres will contact Mark.

e. Town Manager Dawson Green

- Rob Allen ordered the speed limit signs for TVI today. There are 20 lots left in TVII East; will be done in another year.
- Put out the RFP for snow removal; accepting bids until 10/27 at 4:00 pm. Was in the paper today/
- When Mountaire turned the blowers on they found some holes that had to be welded. Until that was done, there was more dust than normal. Haven't had any complaints and the blowers have been running for several weeks.
- Mayor Sutton asked when the RFP will be put in the paper for trash removal.
- TM Green said a minimum for 90 days before the contract out which is in June 2018. He recommends we do it in January.

**VII. Committee Reports**

a. Finance: Chair – CM Jermaine Hatton

- Auditors were here last week; progressing very rapidly. Should have the audit report by the end of November.
- Discussion/possibly approve attending the National League of Cities Annual conference

- I. Have been asked to attend the conference which will be in Charlotte, NC this year. Will be taking classes which could help the Town. We are almost built out and need strategic planning and revenue income sources.
  - II. CM High asked the price for CM Hatton to attend.
  - III. CM Hatton said the DLLG will be paying for my classes and registration. I will need approximately \$1,500.00 for airfare or a rental car and hotel/ lodging. It is November 15-18.
  - IV. Mayor Sutton verified this has been approved in the budget.
  - V. CM Hatton motioned, CM High seconded to allocate \$1,500.00 for CM Hatton to go to Charlotte, NC for the National League of Cities Annual conference from November 15-18.
  - VI. Vote – CM Hatton and CM High – aye, CW Gorman and CW Cook – abstain, Mayor Sutton to break the tie – aye. Motion approved.
- b. Public Works: Chair – Mayor Rudy Sutton
- I. Someone ran over a fire hydrant in TVII West in the middle of the night. I moved it from the middle of the street to the curb.
  - II. TM Green said he went out to look at it and the hydrant is gone, someone took it.
  - III. Mayor Sutton said this is a public safety issue and needs to be fixed. TM Green will call the developer.
  - IV. Mr. Glanding stated the Dewey’s car leaks oil really bad on Fulton Street in front of his house. He talked to her so she now parks on the grass and leaks oil there. Had bad words with Mike and would have hit him if I wouldn’t have gone to jail. They have made my blood pressure go very high. Don’t understand why the Town can’t block the street off. Dewey told him the Town sold him the street and for Mr. Glanding to stay off the street.
  - V. Mayor Sutton explained that it is a public road and can’t be blocked off, it was not sold to Mr. Dewey. He then assured Mr. Glanding that the sign from DelDot should be in soon for no double parking on the street. He asked Mr. Glanding to avoid any contact with the Dewey’s and told him he is still working on some kind of resolution. Mayor Sutton asked TM Green to check into the oil leaking on the street.
  - VI. CM High stated he will also call the police and try to get a resolution.
- c. Land Use & Development: Co-Chairs – CM Jermaine Hatton & CW Lorraine Gorman
- I. CW Gorman asked the PC to do a report on their accomplishments at the fair. She added they put a lot of work into it.
  - II. Planning Commission Report on Town Fair
    - a. PC Chair, Troy Geiger said Commissioner Regina Albert keeps us in line.
    - b. He said our purpose at the fair was to meet residents and let them know there is a PC now and help them understand what we do and get their input. We passed out surveys and have received 12 back. We will discuss the results at our meeting next week.
    - c. The fair was a huge success; lots of great suggestion from the residents.
    - d. Had a contest for a motto for our Town; there is a prize for the winner.
    - e. Mr. Mueller asked if the survey is on the Town website. More residents could fill it out if it is.
    - f. Mr. Geiger said it isn’t on the website. We are working with CW Gorman to get a link for the PC on the Town website.
    - g. CW Cook stated they will get it on social media and will share the link and the contest information.

- h. Mr. Geiger said the contest ends the last Friday of October but may be extended depending on participation.
- d. Community Relations: Chairs – CW Cindy Cook – deleted from agenda.
- e. Veterans Committee: Co-Chairs – CW Cindy Cook & CM Steve High
  - CW Cook said a friend sent some information on a project that started 10/2 called “Stocking for Soldiers”. We could involve the entire Town and collect donations to send to soldiers overseas; will have a list of the items to donate at the next meeting. This is a great opportunity for all; want to get the ball rolling. Will be an easy and quick way to touch a soldier’s life.
- f. Public Safety: Chair – CM Steve High
  - Tried to reach Lt. Hudak yesterday but haven’t heard back from him.
  - Am going to purchase flashlights for the employees and Council; they will shatter windows and cut seat belts also. The cost is \$17.00 minus 10%; plan to purchase 10 lights.
  - TM Green said he was stopped by residents in TVI. There is a car pulled up to the park like it is going in or coming out when the children are waiting for the school bus. The windows are darkly tinted, you can’t see in the car at all. No one knows who this person is and no child ever gets out of the car. Whenever I drive up the car pulls away. The front tag is yellow with black letters and says EMS and the back tag says security. It is a small car like a prius.
  - CM High said he will contact Lt. Hudak. He asked TM Green to get more information on the car and email it to him.
  - CW Cook said the resident across the street from the park has cameras and we may be able to get more information from them.
- g. Parks & Recreation: Chair – CW Lorraine Gorman
  - Town Fair – Saturday, September 23, 2017
  - The fair was well attended. Special thanks to the Fire Company for all the traffic control. She also thanked Council for help with the setup; Mission Church, the PC, all the sponsors and everyone else who volunteered and worked to make the day a success.
  - Feed back to improve is always welcome; learn more every year.
  - CW Cook thanked CW Gorman for another great event. She works hard all year to ensure it will be a success.
  - CM High asked how much money was made at the fair.
  - CW Gorman said she will be done with the receipts by the next meeting and make a report.
  - CW Gorman said the gazebo and pavilion lights should be fixed the first of next week.
  - We always have a cut off time of 9:00 pm for trick or treating/ many residents have recommended we cut it off at 8:00 pm. She asked Council how they feel about this.
  - CW Cook agreed 8:00 pm would be better, TVI always has many kids come through and all the little ones are done by then.

### VIII. Citizens Comments & Participation

- a. Mr. Haines complained about the speeding on Commerce Street again. He said he has been complaining for years and no one cares or does anything.
- b. Mayor Sutton said we can’t make the police show up but we do care and CM Ness did a great job telling the police about problems on Commerce Street. Every street in Town is important. CM High will report it to Lt. Hudak again.
- c. CW Cook said the more times a person calls, it pings a map and the more pings they get the more patrols they will send. You have to call the police every time.
- d. CM Hatton asked CM High about the radar trailer we used to have.
- e. TM Green said it went to the state police to fix.

- f. Mayor Sutton said there is one on Brook Ramble Lane; we could move it to Commerce Street.
  - g. Mr. Bailey asked if the amount the residents will pay for lights will include the new homes still to be built.
  - h. Mayor Sutton said that still has to be determined.
- IX.** Motion to Recess for Executive Session: 9:10 pm, CM Hatton motioned, CW Cook seconded with unanimous vote.
- X.** Motion to Convene Executive Session
- a. In accordance to 29 Del. C. 100004 (b) (9) the Town Council will be meeting in executive session to discuss personnel matters
- XI.** Motion to close Executive Session & re-Convene Council Meeting
- XII.** Adjournment:
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