



## Townsend Council Meeting Minutes December 6, 2017

### 7:30 pm – Council Meeting

- I. Call to Order: 7:31 pm
- II. Opening Ceremonies
  - a. Roll Call: Mayor Rudy Sutton, CM Jermaine Hatton, CW Lorraine Gorman, CW Cindy Cook, CM Steve High, TE June Andres, TM Dawson Green, FC Dawn LoboZZo, TC Cathy Beaver
  - b. Pledge of Allegiance: Pledge was said.
  - c. Recognition of Visitors: 11
  - d. Announcements:
    - Town Hall closed Monday, 12-25-17 for Christmas
    - Town Hall closed Monday, 1-1-18 for New Year's Day
- III. Additions/Deletions to Published Agenda:
  - a. CW Gorman deleted 6a and 6c.
  - b. CW Gorman motioned, CM High seconded with unanimous vote to approve the agenda with the above deletions.
- IV. Council Minutes
  - a. Approval of 11/1/17 Council minutes
    - CW Gorman motioned, CM High seconded with unanimous vote to approve the minutes as written.
- V. Mayors Report
  - a. Discussion/vote on observance of Christmas Eve Holiday
    - After a short discussion stating per the Personnel policy, Town Hall is closed Christmas Eve day and Christmas Day and stating Christmas Eve is on a Sunday this year, CW Gorman motioned, CM Hatton seconded with unanimous vote to close Town Hall on Tuesday, 12/26/17.
  - b. Discussion/possible vote to accept recommendations of the auditor regarding the disbursement of Town funds referencing the Town Charter 7.6.2.1
    - Mayor Sutton stated this topic is on the table to enable and permit our Finance Clerk to move funds from one account to another when needed. Currently our finance chairman is the only one able to do this. Debbie Horn (auditor) has recommended for several years to enable the Finance Clerk to transfer funds.
    - CW Gorman motioned, CW Cook seconded to permit the Finance Clerk to transfer funds amongst the Town accounts as needed.
    - In the following discussion CW Gorman stated this is important because Council are all volunteers; if funds need to be transferred quickly to ensure there are no overdrafts, only one person currently on Council can transfer funds. That person may not be available.
    - Mayor Sutton added that the Town is now in a position with our Finance Clerk to be able to enforce this recommendation from our auditor. We pay our auditors a lot of money for these recommendations and I feel we need to do what they recommend to protect the Town. I feel this is in the Town's best interest.
    - CM High stated he hasn't seen any written recommendation. He asked if this is in lieu of or conjunction with and would it be prudent to do this by exception only, rather than in place of TM Green, if TM Green is out since this is his responsibility.
    - Mayor Sutton said no; CM Hatton is the only one who has been able to transfer funds for over 4 years.
    - CM High asked CM Hatton if he had any comments or recommendations since he is the finance chair.
    - CM Hatton stated he doesn't care one way or the other but agrees it should be an exception rather than the rule and we need a paper trail to show all transfers and why they are done. Also feel we need to write a money moving policy.
    - Mayor Sutton agreed we need to implement a policy and definitely need a financial trail. Our Finance Clerk had to move money last week and there is a paper trail.
    - CW Cook said she believes this is a good idea; it is always better to have at least 2 people able to move money that belongs to the residents and keep an eye on what is going on financially.

- It was decided that CM Hatton and FC Dawn LoboZZo will write the policy to be approved by Council and implemented.
  - Vote: unanimous.
  - CW Gorman said Debbie also recommended that all of Council be able to “view only” the Town bank accounts and asked when they would be able to do this.
  - CM Hatton stated he wasn’t at that meeting and has an email to Debbie to verify she said this.
- c. Census 2020 discussion
- Mayor Sutton stated all of Council has agreed the Town needs to participate in the 2020 census. Still working on the paperwork, and have to meet with TM Green, should be done soon. Mayor Sutton added that if Council wants to be included in the paperwork, they must sign the confidentiality forms before they leave tonight.
  - TM Green asked if this is the paperwork that came from Connie Holland and was told yes. He asked if the Town should piggyback on the County rather than participate. He said he feels the County has more accurate information than the Town does.
  - Mayor Sutton stated the County does have the data and asked TM Green if the Town had participated in previous census.
  - TM Green stated it was before he started so he doesn’t know and stressed again that he feels the County would have more accurate information.
  - CM High said he remembers the Town participating in the census.
  - Mayor Sutton stated the County will assist the Town if needed with information for the census. The Town needs to get the paperwork done to get the process started.
  - CM High said if this a national thing and the State and County are doing the census, what value would the Town add by doing it as well. Will our employees be able to provide the information needed and still do their job?
  - Mayor Sutton said every municipality has the option of participating if you are capable of handling the paperwork. If a Town can’t handle it, they can turn it over to the County but if we participate in supplying information, it helps everyone.
  - CM Hatton added that the numbers will help with our MSA funds. If we have the County do it, we need to ensure our numbers are accurate.

## VI. Reports

- a. State Police: Lt. Anthony Hudak – not here
- b. Representative Jeff Spiegelman
- Out of session but back in session early next year.
  - Budget is about 80 million dollars short as of late November. Magically found 55 million dollars last week; won’t know the whole situation until early January but in relatively good shape. Will know more when Governor delivers the State-to-State address in January.
  - Won’t be at the next meeting, in theory I will have a 1-2-week-old baby girl.
  - CM High asked if with shortfall, are there any easily identifiable impacts on the Town that Jeff can see.
  - Rep Jeff said the number for the shortfall could change daily; need more stability in the State. Since I was elected to office, MSA has been threatened every year and CM Hatton calls me and tells me to watch out for MSA. Game is played every year, may become reality but don’t know when. Would know more if we have this discussion again in June. Last year we shut the government down for 75 million dollars and then found the 55 million. Firehalls, senior centers and state employee raises all got cut last year. The state just needs to pay the state bills.
  - Reg 225 – This is a very controversial bill put together by the Secretary of Education to decide how to handle transgender and trans-racial students and removes parents from having any say; even though we beg parents to involve themselves in children’s schools, this goes from K-12 grade. I don’t have a vote on it, Governor is up and down on the issue.
  - Another potential bill for next year is consolidating school districts. A task force is working on this now. Am somewhat opposed; Appoquinimink School District will really be hurt by this. There will only be 3 or 4 school districts state wide if this is passed. Currently in Appo, you pay less in school taxes for a better district than throughout the state.
  - CM Hatton added that teacher’s salaries are another issue.
  - Rep Jeff wished everyone a Merry Christmas and Happy New Year.
- c. Town Attorney Fred Townsend III: not here.
- d. Town Engineer Aquilino Andres Jr.:

- Checked the speed limit signs in TVII and measured them. At the last meeting, it was mentioned that they seemed low. Per the manual, speed limit signs must be a minimum of 5' from the bottom of the sign to the top and all fall within this standard. The signs can be as high as 7" but these are generally for higher speed traffic.
- e. Town Manager Dawson Green:
- Working to sort out the street lights with Cahill, Delmarva and Edmunds. Time is winding down for when the Town will be taking over paying for the streetlights. Residents have been asking; need definite fee to give to Edmunds.
  - Mayor Sutton said the fee was already established some time ago, it is a flat fee of \$13.00 per month. CW Gorman and CM High agreed this fee was already set.
  - Mayor Sutton asked for the result of the exterior lights at Town Hall.
  - TM Green said Joe is going to look into it; all the exterior lights are on the same circuit. Have to figure out how to take the 2 side lights off the circuit.
  - Mr. Mueller asked and TM Green verified the light fee should start in January.
  - Mr. Mueller asked if it could be included in the new RFP for trash service that pick up has to be on a Monday.
  - CM High said if it is cheaper on another day of the week, that is what we will go with as we can pass the savings onto the residents – same service - different day – cheaper.
  - TM Green said Waste Industries has picked up trees after Christmas. I will confirm the date for the pickup this year.
  - Mr. Mueller asked if there are any ordinances against business signs being placed anywhere in Town. Don't mind short term signs but there is a blind outfit that put signs up and never take them down. The builders put signs up for short periods which is fine.
  - CW Gorman said signs are not permitted, you can remove them if you wish.

## VII. Committee Reports

- a. Finance: CM Jermaine Hatton
- Starting in January we will start receiving financial reports monthly.
  - CW Gorman asked for answers to her questions about the financial reports that she sent to Council.
  - CM Hatton responded that he would email CW Gorman about it.
  - I sent an email to Council in November about things that need done around Town. I'm doing some research now and looking into trying to get some money to improve our storm drains. Some areas are in bad shape.
  - Am also starting to explore updating our internet services in Town to the Town's benefit.
- b. Public Works: Mayor Rudy Sutton
- Discussion/Approval/Vote on Snow Bid Proposals
    - I. Council all have the bids in their folders.
    - II. TM Green stated we only received one bid. It is from Austin and Bednash; the bid is broken down by an hourly rate and there is a different rate for Holidays.
    - III. CM High asked if holidays include weekends. He also asked if the rate increased from last year's rates.
    - IV. TM Green said he will ask, assume holiday is a federal holiday. He added he can't find the 2015 contract (it was a 3-year contract) from Austin and Bednash, is still looking for it and will tell you if the price increased when I find it.
    - V. CW Gorman asked if there is a time frame that they have to start plowing.
    - VI. TM Green stated they won't come out until there is 4" or more on the ground. The developers have hired Austin and Bednash to do the developments also so the entire Town will now be done by the same company.
    - VII. CM High said some of the Town roads have been turned over to the Town; if Austin is doing the plowing for BC Communities, will only part of the development be done.
    - VIII. TM Green said no, the developers hired Austin to plow also.
    - IX. Mr. Mueller said if they are doing the entire development, there is an hourly rate but there should be a mileage rate. How will the Town know what the Town owes versus what the developer owes?
    - X. Mayor Sutton agreed this is a good question because of the way the developments are broke up now with some streets turned over to the Town.
    - XI. TM Green said he will ask them for a mileage rate but BC Communities would also have to do it by mileage.

- XII.** CM Hatton said this would be an accounting nightmare. Austin has had the contract for the last 3 years and they have never tried to kill us; they come quickly as they are around the corner and they bring the right equipment.
- XIII.** Mr. Emsley asked if they plow the state streets in Town. TM Green said no and Mr. Haines said he plows the state streets in Town.
- XIV.** CM Hatton motioned to accept the snow bid for 2017-2018, 2018-2019, 2019-2020 (3-year contract) from Austin and Bednash providing the numbers stay the same pending TM Green checking with them tomorrow. CM High seconded with unanimous vote.
- Update on renovation loans for Residents
  - I.** Wilmington has a federally funded program that City residents can apply for to help do improvements on their homes. I believe this money comes from HUDD and they must have a deed. There is a grant Townsend can apply for to upgrade the Heart of Town one block at a time. There is a meeting in January that I will be attending to gain a better understanding of the program. The meeting is being held in the Wilmington City building.
  - II.** CM High asked if the grant money would include rentals and Mayor Sutton said he believes so as the loan would deal with the owner. Must be low to moderate income to qualify.
  - III.** CM Hatton said he has researched this before and the medium income in Townsend is too high to qualify for the grant.
  - IV.** Ms. Albert said it is too bad this hasn't been done since 2010 before the income in Town was this high and we would have qualified. Recommendations were sent to the Town, I have seen them, and nothing was ever done. It is also in the updates of the comp plan and are in plain sight.
  - V.** CM High asked if this would only be for historical properties.
  - VI.** CM Hatton stated Townsend has no homes on the historical society list.
  - VII.** Ms. Albert stated the Heart of Townsend is known historically for the architecture and the railroad. We do have 100+ properties listed on the registry. She added that this was all recommended last year and the land use chair and Town Manager should have done something about it.
  - VIII.** CM High said Mayor Sutton jumped on this several months ago and going forward we hope to do something with it.
  - IX.** CM Hatton stated we need to look into the deteriorating sidewalks in Town that need repaired; there are federal funds available that we may be able to get.
  - X.** Mayor Sutton said he has already discussed this issue with TM Green. We need a deadline for the complete list of repairs needed.
  - XI.** After a short discussion, it was decided the list would be complete by mid-January.
  - XII.** CW Gorman said the flooding and deteriorating road at the bridge on Wiggins Mill Road is getting worse and could be dangerous when it starts freezing. If DelDot would just dig out the stream it should help with drainage.
  - XIII.** Mayor Sutton said last time he spoke to DelDot they said the plans for the bridge were in the planning stages. He added he will call them again to see where things stand.
- c. Land Use & Development: CM Jermaine Hatton & CW Lorraine Gorman
  - Introduction of Ordinance No. 17-05, Rental Ordinance
    - I.** CW Gorman introduced Ordinance No. 17-05 – Rental Ordinance. This is an act to provide for rental property registration, inspection and to establish violations and penalties for the same within the Town of Townsend. She added that this ordinance is needed for the health and safety of all residents in Townsend; it is to protect the residents and renters. Most Towns already have a rental ordinance; we are way behind the times. It is quite lengthy. If passed, there will be an annual license fee and required inspections to ensure all units meet code requirements. The fees will be added to the fee schedule; this isn't a money maker; the fees will cover the inspection fees. The property owner will have to ensure there are no drugs or illegal activities going on in their rental properties and everything will have to meet code. We will have a public hearing in mid-January once all of Council has had a chance to read the ordinance. Residents will have a chance to review the ordinance prior to the public hearing.
    - II.** Mr. Emsley said Wilmington had a rental ordinance and did away with it. They weren't finding any issues as the bad landlords don't call for inspections between tenants. Coons also instated a rental ordinance and the county didn't find any problems. There are

already ordinances on the books in Townsend to take care of any problem properties. Most landlords are good people. Really like this Town and have bought homes to fix up and make Old Town nicer. Some of my properties were in bad shape. A rental ordinance is a detriment to a potential landlord buying property to fix and rent. Just added streetlight fees and now want to add rental fee. Strongly believe this ordinance would be a detriment to Townsend.

- Introduction of Ordinance No. 17-06, Residential District Zoning change from R-AA to R-2 for Parcel # 25-003.00-002 and Parcel # 25-003.00-003
  - I.** CM Hatton introduced Ordinance No. 17-06 stating this ordinance would change the zoning at 0 and 600 Main Street from R-AA to R-2. He said there will be a public hearing on 12/20/17 at 6:45 pm and Council will discuss and possibly approve the ordinance in the regular meeting following the public hearing at 7:00 pm.
  - II.** Mr. Mueller asked if R-2 is a double unit and was told it is single family home.
- Planning Commission Survey
  - I.** CW Gorman said the Planning Commission did a survey at the Town fair. The PC wants more input and found a survey monkey they are considering using in hopes more residents will respond to the survey. We will utilize this free service as a trial and if we think it is worthwhile we may consider subscribing to it for a low monthly fee. Ms. Albert added this is part of the Planning Commission outreach program and is recommended in the Comp Plan. She added this will be on the agenda for discussion at the PC meeting on 12/13/17.
  - II.** CW Cook stated this is an easy program to use; could share code red announcements with it in the future.
  - III.** CM Hatton said he called DelDot for a status on Phase II of the Streetscape and hasn't heard anything yet.
- d. Veterans Committee: CM Steve High & CW Cindy Cook
  - CW Cook said we had a great turnout for our 1<sup>st</sup> stocking stuffer drive; many people dropped items off at the Town Hall. She said she delivered everything on 11/21/17 and many people were working putting stockings together for our soldiers. Want to reach as many vets overseas as possible. The Transcript did a nice article and picture of the TES class that participated in the program. (She thanked Chris for this). Next year we will start the collection drive earlier than this year.
  - CM High stated these stockings aren't just for soldiers, it is for our sailors, marines and air force, they are delivered service wide.
  - Mayor Sutton said he went to the Veteran Memorial Service in November. It was a wonderful ceremony and he then thanked CM High for his service.
  - CW Cook said the next VFW breakfast is Sunday, 12/17/17.
- e. Public Safety: CM Steve High
  - It's the Holiday season, be careful with all your yard decorations and extra lights. If you are having packages delivered, have a neighbor pick them up as they are being stolen from people's porches. Have a good Holiday.
- f. Community Relations: CW Cindy Cook
  - Big thank you to Lifehouse Church for helping to decorate Town Hall again this year. Had trouble again this year with some of the breakers tripping.
  - Holiday Letter
    - I.** Asked Council to consider putting a holiday letter from Mayor and Council to all the residents this year. Postage can be expensive but is a nice thing to do for our residents. Council all agreed would be nice and will put something in writing to all be put in the letter.
    - II.** Mr. Haines said to put the postage price of his letter toward his light bill.
    - III.** CW Cook thanked him and said she would hand deliver it and Mr. Haines said he didn't want it.
  - Holiday Lighting Contest
    - I.** Would like to have a fun competition on home Christmas lighting; get some impartial community judges, there will be 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> prizes. People do a really nice job decorating. Council all agreed.
- g. Parks & Recreation: CW Lorraine Gorman
  - CW Gorman asked TM Green to ask Austin and Bednash if they will help him put the basketball hoop back up in the park ASAP.

- Christmas Caroling in the Park – Sunday, December 10, 2017
  - I. Caroling starts at the park at 4:30 pm; we will then light the tree. Santa will be there and can take pictures with him if you wish. There will be hot chocolate, cider and cookies afterwards. Fun night for all.
- Proposed schedule for 2018 Town Events
  - I. Easter Egg Hunt – March 18, 2018
  - II. 3 movies – 2<sup>nd</sup> Friday in June, July and August
  - III. Town Fair/parade – September 22, 2018
  - IV. Christmas caroling – December 9, 2018
  - V. Autism Awareness month is April and the Town will be participating in this.
  - VI. Other events can and may be added.

**VIII. Citizens Comments & Participation:**

- a. Ms. Albert said she sent emails to all of Council. Their next meeting is 12/13/17 and they will be discussing annexation and the 2 letters received at the last Council meeting. Did some research and have some questions that we need direction on for our meeting next week. This is our first annexation and we can only be as good as the information we receive; we are useless without guidance. She asked Council and TM Green if the PC is indemnified since TA Townsend isn't in attendance.
- b. None of Council knows if the PC is indemnified and Mayor Sutton said he will call TA Townsend's office to get some answers for the PC.
- c. Ms. Albert thanked Mayor Sutton. She said it is very important; if the PC isn't indemnified and don't have good clear answers to the questions prior to their meeting, she will not put herself in jeopardy to approve it, nor does she believe the rest of the PC will do it. We don't even know what the annexation is for. We will also have to have a public hearing as the annexation of this property on Rt. 71 will affect the residents of this Town. Also believe the paperwork should be sent to the State and approved prior to any annexation taking place; all need to know why for Town transparency.
- d. CW Gorman assured Ms. Albert she will read all the paperwork thoroughly and get back to everyone very soon. She thanked the PC commissioners for all they do and said the Town is very fortunate to have them.
- e. Mayor Sutton thanked Ms. Albert for putting this together and continuing to always try to do the right thing. He said he also will review the information and get bac to all of the PC; hope the Land Use Chairs will respond quickly also.

**IX.** Motion to Recess for Executive Session: 9:32 pm - CM Hatton motioned, CM High seconded with unanimous vote.

**X.** Motion to Convene Executive Session

- a. In accordance to 29 Del. C. §10004 (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: