



Townsend Council Meeting Minutes
April 4, 2018

7:00 pm – Public Hearing

- I.** Call to Order: 7:00 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, TC Cathy Beaver
 - b.** Pledge of Allegiance: Pledge was said.
 - c.** Recognition of Visitors: Special guest – Debbie, foreign exchange student from Switzerland, 21 residents
- III.** Discussion on Ordinance No. 18-01 – Annexation of 6078 Summit Bridge Road
 - a.** Mayor Sutton explained this is a property we are considering annexing into Town limits.
 - b.** CW Gorman asked what zoning it will be annexed into Town with.
 - c.** Ms. Albert said R2.
 - d.** CW Gorman said it is currently zoned C in NCC, 21,000 square feet, and we are proposing it be zoned R2 which is 7,000 square feet per lot; believe I read in the 2010 Comp Plan that regardless, it will have to also be approved by NCC to annex into Town.
 - e.** CM Hatton said per the 2010 Comp Plan the county has already approved it as long as the owner of property wishes to be annexed into Town; all we have to do is supply the Plan of Services to them.
 - f.** CW Gorman said per the Comp Plan, because of the sewer plan the county has to approve all annexations.
 - g.** CM Hatton said they approved it when they approved the Comp Plan; it is all within our future growth area.
 - h.** TA Townsend clarified this is a public hearing and asked if we are going to hear from the representative of the property.
 - i.** Mayor Sutton asked John Tracy, Council for Handler Construction and Rob Allen representing the developer, Handler Construction to come forward.
 - j.** Mr. Tracy showed a concept plan of the development. Per the Town Comp Plan it has been preapproved for annexation for future growth. It is currently multi-zoned, we are requesting to annex in with R2 zoning. The larger part of the development will be on the Carter farm. This is 9 ½ acres and the property owner has requested to annex it into Townsend. Will have no more than 10 homes on this piece of land, no commercial.
 - k.** CW Cook verified Mr. Tracy and Mr. Allen talked to the Planning Commission and asked what feedback they had.
 - l.** Mr. Tracy said they had no concerns.
 - m.** CM High clarified a maximum of 10 homes on this parcel.
 - n.** Ms. Albert asked the size of the blue lots on the concept plan.
 - o.** Mr. Tracy said they are approximately 7200 square foot lots, the blue lots are 2 story homes and the pink lots are 1 story homes.
 - p.** Ms. Albert verified that they are planning on building ten 2-story homes on the 9 ½ acre parcel on Rt. 71 and was told yes.
 - q.** Ms. Albert asked if this plan deals with tax ditches also.
 - r.** Mr. Tracy said per law, tax ditches are dealt with by the state.
 - s.** CW Gorman motioned, CM Hatton seconded with unanimous vote to move the annexation request to the meeting for discussion/possible vote.
- IV.** Discussion on Ordinance No. 18-02 – Re-Zoning of parcel 25-004.00-121 (0 South Street) from R-1A to R-2
 - a.** Mr. Tracy said this is a complete sub-division. Again, it is a concept drawing as it can change with engineering. It is showing a total of 232 lots. The Planning Commission was favorable to our request for R2 zoning. No longer asking for an exception to the rear yard setbacks, will meet all the Town codes with the setbacks. We have divided it into two developments. The blue lots are 2 story homes-7200 square foot lots and the pink lots are 1 story homes-8300 square foot lots. This development will have 40% open areas. A maintenance corporation will maintain these. Will possibly propose a clubhouse by the pink lots. Proposing walking trails in the entire development and link them to the rest of Town. The

main access will be on Summit Bridge Road. The second access for emergency vehicles will be on South Street.

- b. CW Gorman stated Handler hasn't had any trouble selling homes in TVI and TVII; why are you going with a smaller footprint, smaller homes.
- c. Mr. Allen said the last several years have been good; this was the last area to start selling for us again. People are looking for smaller lots now; many lots in the state are being built on 4200 square foot lots now.
- d. CW Gorman stated if this was a 55+ community she could understand the smaller lot size but feels with the 5 foot side and back setbacks it will be more congested.
- e. Mr. Allen said they prefer 10 foot setbacks and will probably do that. This is just the concept. He explained that site improvements are very expensive, pump stations, etc. We can only develop in 20 acre phases and it will all be broke down in the engineering phase. Depends on the demand as to what phase will be built in what order.
- f. CM High asked about mixing the 1 and 2 story homes throughout the development.
- g. Mr. Allen explained that people buying homes prefer the separation.
- h. Mr. Reyes asked if there are any recommendations for stormwater management.
- i. Mr. Allen said there is no retainage on the farm now; it will be better than ever once the development is built.
- j. Mr. Tracy added there are state mandated laws for stormwater and Mr. Allen added it is also part of the Town zoning codes with impervious coverage.
- k. Mr. Reyes verified this has to be approved by the state and Mr. Allen said yes.
- l. Ms. Albert asked about protecting the wetlands and if the bog turtle survey was ever completed for TVII.
- m. Mr. Allen said if they disturb any wetlands they must have a permit from DNREC and must give land back. He added the turtle survey was completed and is on file, he actively participated in the survey.
- n. In the following discussion it was verified the lot sizes will 1/5 acre lots and the house sizes were discussed again.
- o. CM Hatton motioned, CM High seconded with unanimous vote to move the re-zoning to the Council agenda for further discussion and a possible vote.

V. Adjournment: 7:31 pm, CM Hatton motioned, CM High seconded with unanimous vote.

7:30 pm – Council Meeting

- I. Call to Order: 7:36 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, TM Dawson Green, TC Cathy Beaver
 - b. Pledge of Allegiance: Pledge was said.
 - c. Recognition of Visitors: 25
 - d. Announcements:
 - Council candidate packets due on April 5, 2018 in Town Hall by 4:00 pm
 - Town Council elections Saturday, May 5, 2018, 8:00 am – 6:00 pm at Town Hall
- III. Additions/Deletions to Published Agenda:
 - a. CW Gorman asked to add Peter Bowers after minute approval to discuss his senior project and delete 6a, 6b and 6d, none are here.
 - b. CW Gorman motioned, CM High seconded with unanimous vote to accept the agenda with the above addition and deletions.
- IV. Council Minutes
 - a. Approval of 2/21/18 Council minutes
 - CW Gorman motioned, CM High seconded with unanimous vote to approve the minutes as written.
- V. Peter Bowers – MHS Senior Project
 - a. Peter explained that for his senior project, he is sponsoring a walk at the Townsend Municipal Park on April 7, 2018 to honor fallen firefighters/EMS and veterans. The walk is 10:00 am – 2:00 pm. We will be walking the outer loop of the park, everyone is invited to participate. Wear your uniform so people can thank you for your service. Walk for someone in your life. There is more information on the Town facebook.
- VI. Mayors Report

- a. Discussion/possible vote to permit TVII HOA to conduct board meetings at the Town Hall
 - Mayor Sutton explained TVII has formed an HOA and elected a board. They have asked to hold board meetings here at the Town Hall.
 - CW Cook asked how they will get into the building.
 - CW Gorman said the meetings will be monthly, maybe more to start. If they have meetings the same night we have meetings, they could meet upstairs in the conference room and someone would be here for them to get in and lock up after they leave.
 - CW Cook said that was a good idea, would be nice to see the building used more.
 - CM Hatton said we could have some issues; no elevator for handicap and if a hot topic is on the agenda, may not be enough room.
 - CW Gorman said this would just be the board meetings, not the HOA meetings.
 - Sheryl Rojas said she is on the board. These meetings would only be for 8 people on the board; all other meetings are public and would have to be held in a different location.
 - CM Hatton asked if they can legally have a full quorum without having the meeting open to the public.
 - TA Townsend said HOA's are not governed by the state.
 - Ms. Rojas added they go by their own rules.
 - CM High asked if Council could have a written request.
 - Ms.
 - Rojas said she sent an email to CW Gorman asking if this was possible.
 - CM High stated Council has nothing in writing, we need a formal request.
 - Ms. Rojas said this is a beautiful building and should be used. She will send a formal request.
 - CW Cook said it is the residents Town Hall; think this is a great idea.
 - Mayor Sutton said any night we have a meeting scheduled they would be welcome to hold a meeting but to please send a formal request for Council.
 - Mr. Mueller asked if it would be covered by insurance.
 - Mayor Sutton stated our insurance covers residents, all the board members are residents of Town.

VII. Reports

- a. State Police: Lt. Anthony Hudak – not here
- b. Representative Jeff Spiegelman – not here
- c. Town Attorney Fred Townsend III:
 - No report
- d. Town Engineer Aquilino Andres Jr.: - not here
- e. Town Manager Dawson Green:
 - DeIDot called today and would like to have a public workshop for Phase 2 of the Streetscape on 5/23/18 from 5:00 – 7:00 pm, prior to the Council meeting.
 - 27 new home permits issued this fiscal year, approximately 52 lots left in TVI.
 - 13 lots left to build in TVII.
 - DNREC sprayed for mosquito larvae last week. When they spray again it will be posted on the website.
 - CW Cook said should also go out on Code Red; some people don't have access to computers.
 - TM Green said he hasn't scheduled a walk through for TVII, still working with Austin & Bednash. Will try again.
 - Mayor Sutton said to give him the contact information and he will email. He asked TM Green to look into the NCC ordinance for vacant properties; believe we need to do this also.
 - CW Cook asked about our preparedness for Town emergencies; has been a month since we had a meeting. What do we do to prepare if we know there could be danger in/to the Town.
 - TM Green said part of the hazmat litigation plan was sent out a month ago. Don't have a team in Town, can only do educational brochures for residents and am working with Joe Hughes on this.
 - CM High asked if we have some kind of plan, not just a paper plan, if water or electricity is severed – what do we do. We need a plan in place to know where to get water, etc.
 - TM Green said that is why we are working on getting the Emergency information to residents.

- CM High said he thought we had a plan; obviously we don't.
- TM Green said we don't have a plan.
- Mayor Sutton said he also spoke to Mr. Hughes. The utility companies get action plans first because they supply the services to Towns.
- TM Green said we also reached out to Middletown and Smyrna to see if they could help us in an emergency. Mr. Hughes also contacted our fire company and never got a reply. We have no emergency responders.
- CW Cook asked about clean up after the fact. We still have branches and debris in Town and the streets, etc. Know we have state streets but it is our Town; we need to address these issues. Very disheartened when residents contacted me and I reached out to Council and TM Green about trees down and damage – no one responded. Mayor Sutton went and cleaned up everything he could. An example – Wiggins Mill Road flooded. My concern is the lack of concern/care on the Town manager and Councils parts for our residents. We are the face of the Town, we need to take care of things, even if it is a state road, and we need to consider how to do this. This is a small Town with 2 maintenance people, but residents are reaching out to us and we need to take care of them. People reported to us on facebook; would like to see us be able to respond to people in emergencies; not hand them a brochure. A tree was down next to Town Hall, emailed Council and TM Green. Asked for a truck to pick up the trees down all over the park, got 0 responses from Mr. Green on his Town cell or Town email for 2 days. When in emergency mode, residents called me non-stop. Don't understand why Town manager was unreachable to Council or the Town residents; we all need to respond to our residents in an emergency. We need the Town trucks available to use. Trees won't fit in my car. Not hand out brochures, need to take action. We had Town trees in residents' yards from the park and it took me 3 days to get them taken care of – inexcusable. We are a small community and we need to care and take care of each other.
- Mayor Sutton told TM Green the 2 of them with CM High (chair of Town safety) would put a quick action plan together for now.
- Mr. Glanding asked what happened to his handicap sign; Dewey ran our maintenance man off. He added the neighbor came out and jumped all over him the other day. His house has been like that over a year, kitchen has never been fixed, and 7 people live there, one way in and out; don't know how that is legal.
- Mr. Green told Mr. Glanding we have to call Ms. Utility before we can dig and install the sign.

VIII. Committee Reports

a. Finance: CM Jermaine Hatton

- As of March, revenue is \$858,107 and expenses are at \$509,179, doing very well.
- DLLG is in process of sending requests for an extra 1 million to be added to MSA.
- Rep Jeff called a week ago; a bill was introduced by Rep Carson to clean up some of the MSA processes.
- 4/19/18 is local government day at leg hall.
- On 3/16/18 met with TM Green and FC Dawn Loboizzo to look at all the properties with liens. Can assure all that any property that should have a lien, does have a lien and those that should have been removed are being removed.
- Mayor Sutton asked what approximately is owed the Town.
- CM Hatton said not at this time.
- CW Gorman asked for an update on the PNC late fees and finance charges. It is over \$500.00 and has been 3 months.
- CM Hatton said he waiting on another call, they are not responding.
- CW Cook asked why PNC isn't getting back to him.
- CM Hatton said he doesn't know, the person I called hasn't called me..
- CW Gorman asked if it would help if Mayor Sutton called or are you the only one they will talk to and was told that he doesn't know.
- TA Townsend said 11 lien satisfactions were sent to us today; CM Hatton thanked him.

b. Public Works: Mayor Rudy Sutton

- Discussion/possible vote on Town taking over Street Lights from developments

- I. Mayor Sutton said this came up after a meeting with TM Green, Rob Allen, BC Communities and myself. He asked Council if the Town would be willing to take over the streetlights only from the unfinished phases to simplify the process.
- II. Mr. Glanding said he has been in his house 54 years and never had a light and shouldn't have to pay for lights. Where is my light, would like to put my name on it.
- III. Mr. Mueller said he thought this was voted on several months ago.
- IV. Mayor Sutton explained the vote was tabled in February at CM High's request, he wanted to do more research on the issue and we had no meetings in March due to weather.
- V. Mr. Reyes asked if this is in addition to what residents are already paying and was told no. He asked about future development; will this be worked out prior to the development and he was told yes.
- VI. Mr. Dugan asked why the Town would pay light bills when a development isn't done yet.
- VII. Mr. Allen explained that once a streetlight is installed, there is no more work to be done on it and some residents could be double billed. The Town can offer the electric cheaper with the discount they get; the HOA doesn't get a discount.
- VIII. Mayor Sutton clarified that no one has been double billed.
- IX. CW Cook clarified that no one is being double billed, all are being billed either through the Town or their HOA fees. The Town gets a discount on electric and the HOA doesn't. If the Town takes the streetlights only in from the unfinished phases, all residents will pay a flat \$13.00 monthly streetlight fee to Town.
- X. CM Hatton motioned, CW Gorman seconded with unanimous vote to accept all the streetlights only from the unfinished phases in the developments to be billed a monthly streetlight fee from the Town.
- Discussion/possible vote to award trash contract
 - I. The lowest bid was from Trash Tech, however; the current contract with Waste Industries has a right of refusal clause and they agreed to match the lowest bid; waiting on an official contract. Had to contact them because there were no meetings in March and there was a 90 day notification clause in the existing contract. Mayor Sutton clarified this is a 3 year contract.
 - II. Trash Tech asked what the increase was for 3 years and was told the first year will be \$18.61 per month from 7/1 through 5/30/2019, 2nd year will be \$19.17 per unit per month and the 3rd year will be \$19.74 per unit per month. The increase is 3% yearly.
 - III. CW Gorman said this is contingent on the contract and we need to set a date for the contract to see if it is acceptable.
 - IV. Trash Tech asked why put this out for bid if the Town isn't going to accept the lowest bid.
 - V. Mayor Sutton said he agrees and he didn't vote for the first contract with the right of refusal. We won't accept another contract with the right of refusal clause. We want all companies to be able to compete in Town.
 - VI. Waste Management said they were the lowest bidder for yard waste. He asked if that would be part of the current contract and was told no. Mayor Sutton stated he doesn't know if that will be added down the road or not.
- c. Land Use & Development: CM Jermaine Hatton & CW Lorraine Gorman
 - Discussion/possible vote Ordinance No. 17-05 – Rental Ordinance
 - I. CW Gorman said the draft of the rental ordinance was introduced 12/6/2017. We have been working on it a long time with input from TM Dawson Green, Code inspector Dave Naples, and I met with some landlords from Town to hear their suggestions/recommendations. With that, the fees have been reduced and some other areas of the ordinance have been changed. We are a small Town but still growing. Want to stress again, this is not a money maker for the Town. The purpose of the ordinance is to protect all residents. It has been stated the State and NCC have their own regulations but neither have inspections between tenants. We will inspect properties between tenants to ensure all rentals are up to code. Many surrounding Towns have rental ordinances and we need to step up to the plate.

- II. CW Gorman motioned to amend the ordinance as it is written now before calling for a vote, CW Cook seconded. Vote – CW Gorman, CW Cook and CM Hatton – aye, CM High – nay. Motion passed.
- III. CW Gorman motioned, CW Cook seconded to accept the rental ordinance with the amendments, to go into effect on January 1, 2019.
- IV. In the following discussion, it was established the fees will be added to the fee schedule by TM Green, they won't be in this ordinance, and the fee schedule will be published on the website as soon as it is updated and passed by Council. Our code officer from RVB will conduct the inspections between tenants. Tenants will follow the chain of command if they have an issue and call the landlord, then the state and then the Town. We will only do inspections once the process has been followed and there is still a problem.
- V. Mr. Johnson stated there are 57 municipalities in the state and the majority of them do not have rental ordinances. Want to clarify that point. As for safety, we are all concerned with safety and the county will do inspections if asked too. The Town needs to look into owner/occupied homes that are dangerous and not up to code.
- VI. CW Gorman stated TM Green can send these homeowners letters, but this ordinance is a step in a positive direction for residents we can help. Wouldn't want something to happen because we did nothing; don't feel this is a huge financial burden.
- VII. CW Cook added you don't form a fire department after the fire; need to have a plan prior to the storm, not after. Landlords are doing business in our Town and need to be held responsible. As we all know, we are the forgotten area; below the canal. We need to ensure our issues are resolved prior to something bad happening; try to make all business' stay on the up and up. The surrounding Towns have rental ordinances, feel the fees will come out of the tenants, not the landlords, but they will know we have their back. This gives us assurance that in the future, no business does something wrong. We are a small and old Town, a lot of our rentals are old buildings; would be safer for all if we ensured the buildings are up to code and safe for all. Don't believe this is redundant; it is a good step forward.
- VIII. After more discussion, there was concern that CW Gorman is an elected official and has more work to do on the ordinance with the fees. What will happen if she isn't re-elected? She stated the Town Manager will be responsible for the fees going forward with Council's approval. Her current term in office isn't up until June 2019 and the ordinance goes into effect January 1, 2019.
- IX. CW Gorman motioned, CW Cook seconded to adopt Ordinance No. 17-05 – Rental Ordinance with an effective date of 1/1/19. Vote – CW Gorman and CW Cook – aye, CM Hatton and CM High – nay, Mayor Sutton voted aye to break the tie. Motion passes.
- X. Mayor Sutton added he would like to see the fees reduced with the final version even though they are low; passing the ordinance is a win for the Town. He said he has a lot of respect for the landlords in our Town, they purchase and fix many old homes in Town. He also thanked CW Gorman for all her work on putting this ordinance together.
- Discussion/Possible vote on Ordinance No. 18-01 - Annexation of 6078 Summit Bridge Road
 - I. CM Hatton motioned, CW Cook seconded to approve the annexation of 6078 Summit Bridge Road.
 - II. In the following discussion, CW Gorman asked if this motion includes changing the zoning on the annexed property to R2 and was told yes. She asked to table the motion until after the discussion/vote on the re-zoning of the next ordinance.
 - III. CM Hatton stated that wasn't necessary and asked Mayor Sutton to call for a vote.
 - IV. Vote – CM Hatton, CM High, CW Cook – aye, CW Gorman – nay, motion carries.
- Discussion/Possible vote on Ordinance No. 18-02 - Re-Zoning of parcel 25-004.00-121 (0 South Street) from R-1A to R-2
 - I. CM Hatton motioned, CW Cook seconded to change the zoning on parcel 25-004.00-121 from R-1A to R-2.

- II. Discussion – CW Gorman stated she has concerns about increasing the density from R-1A to R-2, it allows for many more homes in this development.
- III. A resident stated the first priority is to be able to protect homes from fire if the home next to them is on fire.
- IV. Mr. Mueller asked for an explanation.
- V. Mayor Sutton said R-1A zoning has larger lots than R-2 zoning, therefore allowing more homes to be built in a development.
- VI. Ms. Albert said as a resident her major concern is stormwater management and the protected wetlands on the property.
- VII. TA Townsend said this property is already proposed for residential development. This zoning is a little denser but the developer has expressed he wants to do it right. This is strictly a re-zoning decision; the rest of these issues will come down the road in future discussions, prior to developing the land.
- VIII. Ms. Albert stated changing the zoning will impact the land.
- IX. Vote: CM Hatton, and CM High – aye, CW Gorman and CW Cook – nay, Mayor Sutton voted aye to break the tie. Motion passes. Zoning will be changed from R-1A to R-2.

d. Veterans Committee: CM Steve High & CW Cindy Cook – nothing to report.

e. Public Safety: CM Steve High – nothing to report.

f. Community Relations: CW Cindy Cook

- MAAC Expo – was nice as usual. Our Town Clerk was there and handed out fair applications.
- April – Autism Awareness Month – Paint the Town Blue
 - I. Townsend Autism-ness Softball Tourney – 4/21/18 – 8:00 am – 8:00 pm, rain date: 4/28/18
 - II. Paint the Town Blue – we have blue light bulbs and autism bracelets for donations – all of which go to autism.
 - III. Working with the best buddies at MHS and hosting the softball tourney. Need more teams - \$80.00 registration fee and all fees goes to autism speaks. Lots of fun and all for a great cause.
 - IV. CW Cook asked if the Fire Company would be interested in selling BBQ at the event.
- Town Scholarship
 - I. Deadline for applications is 4/30/18. Applications on our facebook page.

g. Parks & Recreation: CW Lorraine Gorman

- Ordered a new BBQ for pavilion area.
- Easter Egg Hunt – 3/18/18 – Great event, more people than ever. Kids had a great time.
- 3 Movies under the Stars – 6/8/18, 7/13/18, 8/10/18
- Annual Town Parade & Fair – 9/22/18
- Christmas Caroling in the Park – 12/9/18

IX. Citizens Comments & Participation: none

XII. Adjournment: 9:51 pm – CM Hatton motioned, CW Cook seconded with unanimous vote.