

COUNCIL AND UTILITY COMMISSION MINUTES FOR THE TOWN OF ROCK HALL**TOWN OF ROCK HALL**

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MINUTES - MAYOR AND COUNCIL MEETING
August 12, 2013

MAYOR AND COUNCIL
REGULAR MEETING MINUTES
August 12, 2013

The Mayor convened the Mayor and Council Regular meeting on the above date at 7:35 p.m. All Councilmembers were present. The Town Manager, Town Attorney, Clerk treasurer, Assistant Clerk Treasurer, and Officer Sutton were also present.

Mr. Doug Francis gave the invocation for the evening. The Pledge of Allegiance was recited. A moment of silence was given in respect to those who serve our country on our behalf.

APPROVAL OF THE MINUTES:

Councilmember Francis made a motion to approve the Regular Meeting minutes from the July 11, 2013 meeting. Councilmember Price seconded. All in favor, motion carried.

GUEST SPEAKERS/INVITED GUESTS:

None

FINANCIAL REPORT:

The Town Manager read the Financial Report into the record as follows:

General Fund Investment Account: \$ 59,674.30
Museum Board Funds: 2,766.28
Utilities Fund Investment Account: \$296,124.40
Total Available Funds: \$358,564.98

Property Taxes Outstanding: \$ 46,485.84
Utilities Fund Outstanding: \$ 36,559.09
Services Rendered Outstanding: \$ 1,800.00
Total Outstanding: \$ 84,844.93

The Mayor stated that because there was no authorization to increase the legal fees that the Town will be receiving a credit from Funk & Bolton for the amount of \$4,828.75 and rates will stay the same for this fiscal year.

CORRESPONDENCE:

The Mayor stated that we received a letter from DLR in they are refunding funds in the amount of seven hundred and some odd dollars for unemployment that was paid to an elected official. We need to make sure that elected officials are not in turn qualified as earned wages and that they are down as tax exempt.

There was a letter received from the Bass family thanking the town for their kindness during their time of loss.

There was a letter received from Kent Forward in regards to a reception being held to welcome Dr. Karen Couch the new Superintendent of Schools.

The Town received a letter from the Kent County Waterman's Association in appreciation of all the help from the Town during the boat docking activities.

The MML sent a thank you letter to the Town for renewing their membership dues.

The Mayor read a letter into record from the National Environmental Education Foundation asking to put forth a proclamation next month, September 28, 2013.

The Mayor stated that Millington Day was being held on August 17, 2013 rain or shine.

The Mayor read a letter into record from Mrs. Elise Davis.

There was a letter received from the Open Meetings Compliance Board read into record by the Mayor. The letter states that a complaint has been made against the Mayor and Council of the Town of Rock Hall by Councilmember Susan Francis claiming that the Closed Session meeting that was held on July 29, 2013 was not held properly in accordance with the Open Meetings Compliance Board. Councilmember Nesspor asked Councilmember Francis to remove her complaint from the Open Meetings Compliance Board. Councilmember Francis denied the request and stated that the Open Meetings Compliance Board would determine if the meeting in question was held in compliance with the law. There was a discussion among the Mayor and Council, and the Town Attorney in regards to this issue.

There was a letter received from the Majority of the Council and read into record by the Mayor. The letter states that the Majority of the Council asked that the Mayor cease his actions and communications in the name of the Town and in his capacity as Mayor without the knowledge and authorization of the Town Council. There was a discussion in regards to this issue among the Mayor and Council.

POLICE REPORT:

Officer Sutton read the report into record. Councilmember Nesspor raised a question in regards to whether the person doing the maintenance to the cars was a licensed mechanic. He also asked about the robbery that had just taken place this past Friday. Officer Sutton stated that he couldn't comment on that because it was an ongoing investigation and it wasn't his case. Councilmember Jones stated that he had some questions for the Police Chief and wanted to know why he wasn't in attendance. Councilmember Jones made a motion to have the Police Chief in attendance at all the proceeding Mayor and Council Regular scheduled meetings to give the police report. Councilmember Price seconded. There was a three to one vote in favor of the motion made. Councilmember Price, Jones, and Nesspor vote in favor of the motion, Councilmember Francis voted in opposition of the motion. With the majority vote in favor of the motion the motion was so carried.

STREETS/SANITATION:

Councilmember Jones wanted to thank the guys for their help getting Pirate and Wenches weekend under way. The Town looked good. They did an outstanding job this weekend. There are some street lights that are out, they have been reported and will be taken care of. There were some weeds up on Route 20 that needed spraying, that's been taken care of. The high grass up by Walgreens has been reported to the State Highway. Pothole Pro's has been rescheduled twice now because of the rain, but they are coming this Wednesday. Councilmember Jones asked the Town Manager if there was any status on the lighting at Chesapeake Villa. The Town Manager stated that he had contacted Nilo and they informed him that the poles they had originally quoted the Town on were no longer available; they did find a comparable pole to replace them with but the cost for them was going to be just a bit higher than originally planned. The Town Manager asked Nilo to produce a proposal with the new figures and we would go from there.

SEWER/WATER:

Councilmember Nesspor asked the Town Manager to give an update because he was the one that had been in direct contact with DSI and everyone to be able to give a more thorough update. The Town Manager stated that the water plant didn't go through nearly as much water during Pirate's and Wenches this year as we did last year. It was nearly as hot out. There were no problems at the water plant. There was a water leak down at Mr. Brawley's. The water leak was directly under a pine tree that needs to be removed. That will probably be taken care of tomorrow or the next day. The wastewater treatment plant is going well. DSI came last week and did some work to pumping station #4. It was cleaned out and valves replaced. We're just waiting for the two pumps to come to continue on with the project.

The Mayor mentioned the lot on Catholic Avenue that belongs to Mrs. Julie and Mr. Dick Stephens. There was some discussion in regards to the water and sewer hookup to this lot. The Town Manager stated that there was a motion made and approved at the previous meeting in regards to this issue.

PARKS/RECREATION:

Councilmember Francis stated that there will be a beach movie on the August 17, 2013. The movie that will be shown is called "Soul Surfer". There was a tennis/basketball court committee meeting at Java Rock on August 4, 2013. It was a good meeting, there were many questions asked and answered. There is going to be an RFP put together. The project is moving along. There was some discussion in regards to the lighting for the courts. Councilmember Francis

stated that it was all being covered by the RFP, that's why it's being put together.

The Mayor asked to go back to water and sewer for more discussion. There was a discussion in regards to the clarifier project and the paperwork involved. The Town Attorney and Town Manager answered questions accordingly.

PLANNING/ZONING:

Councilmember Price stated that Planning and Zoning had no meeting in the month of July. They will have a meeting on August 14, 2013 pertaining to Family Dollar. There have been a lot of concerns on signage provisions in the zoning ordinances. Councilmember Price made a motion to have the Planning Commission, our board, to hold a workshop to discuss what we can do to improve or change any laws or signs issues and then bring them back with any recommendations to the Council. I would like the Planning Board to move forward with that. Councilmember Nesspor seconded. All in favor, motion carried.

MUSEUM BOARD:

Councilmember Francis stated that the Museum Board did not meet, she also stated when the next meeting would be scheduled. The next scheduled museum meeting could not be confirmed due to the high noise volume on the recording.

ORDINANCES/RESOLUTIONS:

The Mayor stated that Charter Amendment Resolution No. 2013-01 is to be discussed and voted on. There was some discussion among the Mayor and Council and the Town Attorney in regards to Charter Amendment Resolution No. 2013-01. Councilmember Jones made a motion to adopt Charter Amendment Resolution No. 2013-01. Councilmember Price seconded. There was further discussion in regards to Charter Amendment Resolution No. 2013-01. All in favor, motion carried. There was five to zero vote in favor of adopting Charter Amendment Resolution No. 2013-01.

It was agreed upon by the Mayor and the Board to have Stephanie draft a policy stating that the Mayor will produce in writing his unavailability to sign checks when needed; this then will allow the Vice Mayor to be called in to sign the checks in the Mayor's absence.

The Mayor stated that Charter Amendment Resolution No. 2013-02 is to be discussed and voted on. There was some discussion among the Mayor, Council, Town Manager and the Town Attorney in regards to Charter Amendment Resolution No. 2013-02. Councilmember Price made a motion to adopt Charter Amendment Resolution No. 2013-02. Councilmember Jones seconded. There was further discussion in regards to Charter Amendment Resolution No. 2013-01. The Charter Amendment Resolution No. 2013-02 passed with a 3-2 vote. Councilmember Jones, Price, and Nesspor vote in favor of the motion made; Councilmember Francis and the Mayor voted in opposition of the motion made.

The Mayor read Resolution No. 2013-08 (Social Media Policy) into record for introduction. There was some discussion among the Mayor and Council and the Town Attorney in regards to Charter Amendment Resolution No. 2013-08.

The Mayor and Councilmember Francis had more questions in regards to paperwork he had signed for the clarifier/USDA project and whether there was any discussion in regards to Bond Counsel in any of the prior meetings the Mayor and Council have had. The Town Attorney answered questions in regards to Bond Counsel and the clarifier/USDA project accordingly.

The Town Manager gave an overview of Resolution No. 2013-09 and Resolution No. 2013-10. The Mayor began to read Resolution No. 2013-09 (Energy Efficiency Policy) into record for introduction. Councilmember Jones made a motion to waive the reading of Resolution No. 2013-09. Councilmember Price seconded. All in favor, motion carried. Councilmember Price made a motion to approve Resolution No. 2013-09. Councilmember Nesspor seconded. There was some discussion among the Mayor and Council and the Town Attorney in regards to Resolution No. 2013-09. Councilmember Francis questioned whether the Energy Grant the Town has applied for was ever discussed among the Mayor and Council. Resolution No. 2013-09 was passed with a 5-0 vote. All in favor, motion carried.

Councilmember Price made a motion to waive the reading of Resolution No. 2013-10. Councilmember Nesspor seconded. All in favor, motion carried. Councilmember Price made a motion to approve Resolution 2013-10. Councilmember Jones seconded. Resolution No. 2013-10 was passed with a 5-0 vote. All in favor, motion carried.

The Mayor stated that next was the resolution for project expenditures for the new clarifier. The Mayor then proceeded to discuss Loan Resolution Security Agreement (1780-28). The Mayor continues to discuss the proper language used in regards to the Loan Resolution Security Agreement (1780-28) with the Town Attorney, and the Clerk Treasurer. The Mayor then asked to take a break in the meeting. Councilmember Price made a motion to recess the meeting. Could not hear who seconded the motion to recess the meeting. The motion was voted on; all in favor, motion carried. The meeting was recessed at 11:30 p.m. The Mayor stated that there was only one resolution on the agenda to be discussed. The Town Attorney stated that if it's not on the agenda then it's not there for you to act on. The Town Attorney stated that the resolutions the Mayor were previously discussing are related to the loan application. The one I am more prepared to discuss is the Declaration of Official Intent, which has not yet been introduced. It could not be heard whether a motion was made or seconded to reconvene the meeting. The Mayor reconvened the meeting at 11:40 p.m.

The Town Attorney stated that item F on the agenda is Resolution No. 2013-11. The resolutions the Mayor keeps referring to are form resolutions from USDA. The Mayor stated that this requires a signature; this does not require a resolution. The Mayor then stated that he'd like to take just another day to make sure I'm comfortable with this. There was discussion in regards to the form resolutions (loan resolutions) from the USDA among the Mayor and Council and the Town Attorney. The Mayor asked the Town Attorney to explain Resolution No. 2013-11. The Town Attorney explained Resolution No. 2013-11. There was some discussion among the Mayor and Council, the Town Attorney, and the Town Manager in regards to Resolution No. 2013-11. Councilmember Jones made a motion to waive the reading of Resolution No. 2013-11. Councilmember Price seconded. The vote was approved with a 3-2 vote. Councilmember Jones, Price, and Nesspor approved the motion made. The Mayor and Councilmember Francis vote in opposition of the motion made. The majority of the vote was in favor of the motion made; the motion then was so carried. Councilmember Francis wanted to go on the record to state that she thinks that Resolution No. 2013-11 should be read into record. Councilmember Nesspor made a motion to approve Resolution 2013-11. Councilmember Price seconded. All in favor, motion carried with a 5-0 vote.

NEW BUSINESS:

None

OLD BUSINESS:

None

TOWN MANAGER'S REPORT:

The Town Manager didn't have anything else to report on. The Mayor asked if there was anything to report on the Trams. There was a discussion among the Mayor and Council, the Town Manager, and the audience. Someone from the audience asked about the roads in Haven Court. The Town Manager stated that there wasn't anything that he could report on in regards to that. Councilmember Francis inquired about the opening of mail within the Town. The Town Manager answered her questions accordingly. Councilmember Jones asked why he had a copy of Councilmember Price's plumbing license in his box. There was a discussion among the Mayor and Council, and the Town Attorney in regards to Councilmember Price's plumbing license. The Town Attorney read a letter into record in regards to the Mayor's complaints to the Plumbing Board in regards to Councilmember Price's plumbing license. Councilmember Nesspor made a motion to adopt the letter that the Town Attorney read into record. Councilmember Jones seconded. Councilmember Jones, Nesspor, and Price voted in favor of the motion. Councilmember Francis recused. The Mayor voted in opposition of the motion made. The majority of the vote was in favor of the motion, the motion so carried. The vote was then 3-1.

GOOD OF THE TOWN:

There was discussion in regards to transportation funds from the audience. The Town Manager answered the questions accordingly. Someone from the audience asked the Town Attorney on the status of the recall. The Town Attorney stated that they were working on it. Someone from the audience addressed the liability of a contractor or the Town Manager not having proper license and insurance. There was a discussion in regards to the out of town water and sewer rates. There was also mention of having the Chief of Police live in the town limits. Someone asked to have the Town meetings be civil.

With there being no further business, Councilmember Price made a motion to adjourn at 12:35 p.m.; Councilmember Jones seconded. All in favor; motion carried.

Approved:

Robert E. Willis, Mayor

Olin B. Price, Councilmember

Susan A. Francis, Councilmember

Brian Nesspor, Councilmember

Brian Jones, Councilmember