

**CALL TO ORDER:** Mayor Glanden called the meeting to order at 7:00 PM.

**PLEDGE OF ALLEGIANCE:** Councilmember Maddox led the Pledge of Allegiance.

**ROLL CALL:**

Mayor: Chick Glanden - Present

Council Members: Virginia Simpler - Present

Ricky Maddox - Present

Poncho Davila - Present

Jack Webb - Present

Town Solicitor: William Pepper – Present

**READING AND APPROVAL OF THE LAST MEETING MINUTES:**

Councilmember Simpler made a motion, seconded by Councilmember Davila, to accept the minutes in written form of the meeting for October 23, 2019, as submitted. Motion passed by unanimous voice vote.

**WATER DEPT. / TREASURER'S / POLICE / CODE ENF. REPORT:**

**Police Report:** Officer Darling informed the Council that Halloween went well (no trouble). Lock your cars because thieves are targeting unlocked cars. Reports of stolen packages from front doors and porches. Officer Darling stated that his written report would be submitted at the next Council meeting. Councilmember Maddox made the motion to table the Police Report in written form until the next Council meeting. Councilmember Webb seconded the motion. Motion passed with a unanimous voice vote.

**Code Enforcement:** Dennis reported to the Council that the two abandoned cars, one on 115 Frog Leg Lane and the other on 234 S. Market St. had been towed away. He stated that the house on 103 S. Market St. had begun to repair their roof. Dennis made the Council aware of the house at 114 Jackson St. had started to clean up the trash on their property. 30 David St. had started the work on rehabbing the house. He also discussed that the asphalt company on Frederica Rd. had started the process of putting up a fence by applying for a permit. Mel Palmer on Saint Agnes St. has started to remove the debris from his collapsed shed. Councilmember Maddox made a motion, seconded by Councilmember Simpler, to accept the Code Enforcement report. Motion passed with a unanimous voice vote.

**Water Department:** Dustin reported that our new backhoe is here and that he has used it for sweeping the streets. Elementary School has put a second gate in there fence adjacent to the water tower fence. They said that they need a gate accessible for emergency evacuations. Councilmember Maddox made a motion, seconded by Councilmember Simpler, to accept the water report. Motion passed by a unanimous voice vote.

**PLANNING COMMISSION REPORT:**

Mandy Slody presented the following permits to the Council:  
She informed the Council of the Public Hearing on November 20<sup>th</sup> at 6:30pm for the rezoning of the Ralph Walls property at 223 S. Market St.

Michael Shaffer at 237 Hightide Dr. is requesting a permit for an 18x18 shed. Councilmember Davila made a motion, seconded by Councilmember Simpler, to accept the permit for the shed. Motion passed by a unanimous voice vote.

Alex Donovan at 30 Front St. is applying for a permit to do a front and rear addition to the property. Councilmember Maddox made the motion, seconded by Councilmember Davila, to accept the permit. Motion passed by a unanimous voice vote.

Alex Donovan also applied for a permit at 204 S. Market St. for siding and new roof on this property. Councilmember Davila made the motion, seconded by Councilmember Simpler, to accept the permit. Motion passed by unanimous voice vote.

#### **NEW BUSINESS:**

**Asbury Square Concept Plan:** Ring Lardner, the engineer for JMER Properties, came before the Council to update the Council on the Concept Plan for Asbury Square. They have applied for approval and received comments on Friday and the concept plan needs more discussion before it is to be presented to the Council. He thinks that it might be ready to present to the Council in the first week of December. Councilmember Maddox asked Mr. Lardner when they might be breaking ground on this project. Mr. Lardner stated that it would probably be next year before everything would be ready.

**1st Reading-Ordinance 19-07 Rezoning 223 S. Market St.:** Councilmember Maddox read the synopsis of Ordinance 19-07. This ordinance revises the Comprehensive Plan Map land use designation, and the official zoning map for tax parcels MD-8-08-14106-04-8800-00001 from R-1 residential to R-3 residential. Councilmember Maddox made a motion with a second by Councilmember Simpler to accept the first reading of Ordinance 19-07. The motion passed with a unanimous voice vote.

**Vehicle Maintenance Policy:** Councilmember Maddox made a motion, seconded by Councilmember Webb, to table the Vehicle Maintenance Policy. Motion passed with a unanimous voice vote.

#### **OLD BUSINESS:**

**Ordinance 19-06-No Parking Market St. & Lowber St.:** Councilmember Simpler suggested the Fire Co. bring a large Fire Truck to Lowber St. and take pictures of the clearances on either side and front and back so the Council can make a better decision on the issue. Mr. Volkomer suggested that there should be no parking on the south side of the street because of him and his neighbor being handicapped. Mr. White, President of the Fire Co., stated that it did not matter to him which side was no parking as long as his Fire Trucks could make their way down the street in an emergency. Councilmember Maddox made a motion, seconded by Councilmember Simpler, to table Ordinance 19-06 till after the Public Hearing. Motion passed with a unanimous voice vote.

**Ching, LLC Agreement:** Mr. Sean Regan, legal counsel for Ching LLC, asked the Council if they had any questions about the agreement. Mr. Dan Barbato, the engineer for the Town of Frederica, asked about the impact fees going towards paying the monthly fee of \$5,000. If so, it was not plainly stated in the agreement. Mr. Regan assured the Council that the impact fees would go toward the Capital Cost Recovery Fund. Mr. Murphy and his property have committed to be the first property to connect to the proposed water system and pay impact fees. Councilmember Maddox asked to whom do these fees go to. Mr. Dan Barbato stated that as written the Town being the Tenant and Ching LLC as the Landlord that the Landlord would receive all fees. Mr. Regan assured the Council that the Town would receive all payments. After the \$900,000.00 Capital cost are paid the 60/40 split for water fees would still be in

affect for the duration of the lease. The agreement also states that the Ching LLC properties will pay no impact fees or connection fees. Mr. Barbato stated that if the Town had to pay the \$5,000 per month and 40% of the water rates that there could be some troubles making the payments as stated. Mr. Pepper made the point that the Town only bills now \$41,500 per quarter for water. Mr. Barbato asked who is the water owner? If the Town is the owner, they can only charge what the Public Utility Commission will allow. If Ching LLC (the Landlord) owns the water, then they must go to the Public Utilities Commission to setup a public water utility. He also stated that he did not think the Public Utilities Commission would allow a 60/40 split on the water rates. The Town must have the ability to set up a Capital Improvement Fund to keep the system in good repair and keep up with all new and developing technologies and the 40% split can make that hard to create. Mr. Barbato once again stated that he did not think the Public Utility Commission would allow rent to be tied to the water rates. That a set fee for rent with all the other variables would then be used by the Public Utility Commission to set the rate for the water fees. Councilmember Maddox made a motion, seconded by Councilmember Simpler, to table Ching LLC agreement until the December 4th Council meeting. Motion passed with a unanimous voice vote.

**OPEN FLOOR:** Mr. Bob Murphy spoke to the Council about his property being developed for hotels, motels and restaurant and the need for a water source. He was surprised by the questions that the Council had and thought that we were ready to pass the agreement. Councilmember Maddox was quick to inform Mr. Murphy that the Town was eager to set up the agreement but needed to be sure of protecting the Town before entering into any agreement. Mr. Murphy told the Council that there are several property owners who are looking to develop their property into homes. He also mentioned that the Medings is looking to develop their property.

**Adjournment:** Councilmember Maddox made the motion to adjourn, seconded by Councilmember Simpler. Motion passed by unanimous voice vote.

Mayor Glanden closed the meeting at 8:51 PM.

Respectfully Submitted,

Councilmember Ricky Maddox;

Council Secretary