

MAGNOLIA COUNCIL MEETING MINUTES

Monday, March 13, 2023

> Call to Order

Called at 6:02 PM

> Pledge of Allegiance

> Roll Call

Council members present; Jim Frazier, Ryan Clarke, Susanne Whitney and Buck Dougherty. Dustan Russum and Ralph Satterfield were present. Scott Fowler was out of town and Diane Cahall was absent due to illness.

Visitors: Dan Larios and Fabiola Larios, 4 W. Walnut regarding 32 W. Walnut.
Tyler Winchell, 12 E. Walnut, regarding chickens.

> Minutes of Last Meeting

Approved as presented; motion by Buck, second by Ryan, motion carried.

> Treasurer's Report

Review of Diane's prepared report. Council reviewed the financial report, balances, and bills to be paid. Susanne motioned to pay the bills, second by Ryan, motion carried. Mayor Frazier advised council that the paperwork for the firetruck reimbursement has been submitted for \$69,200. The amount appropriated was \$69,700 so the fire company was spot on considering amount of equipment and five vendors. Funding from the State should follow shortly.

> Public Works/Infrastructure

a. Water System & Fire Hydrants: Dustan provided water reports and reviewed all water usage, fluoride/chlorine levels, and well levels. He stated there were no issues with the well houses. Jim asked him about required educational information and Dustan explained that Delaware Rural Water met with the State and they will most likely do the training.

Ralph stated we need to clean the mold off the buildings, Jim asked Ralph is he could call Hall's and arrange the cleanup. Ralph said it was no hurry so Jim will get to it when he has time. Ralph said it has been 3 months since a line flush. Ralph brought in a sample of dirty water and stated it will take a long time to flush the lines. He spoke with a vendor at an expo and they have a product we can add to water to make it crystal clear; it does not remove the problem, just covers it up. Ralph said the town used the product in the 80's and 90's and Ralph used it at Playtex. Ralph stated he has worse water samples at home and Jim stated we should defer and wait for Scott to return. Ralph also advised he will re-paint the hydrants orange when the weather improves. He stated he was given incorrect instructions by the Office of Drinking Water. Buck, Ryan and Ralph discussed the color the hydrants should be painted; they reflect the number of gallons pumped from hydrant per minute.

Mayor Frazier introduced Tyler Larios. Mr. Larios had questions about the Wooten property. Mayor Frazier explained the property was handed to Mr. Wootens sons. He approached council and proposed adding another house to the property. The current zoning is AR which is Apiculture Residential which allows 2 residents per acre. However, the entrance cannot conform for a sub division. Councilman Buck Dougherty has interest in purchasing the property and has researched all possibilities in depth. The property is largely but not entirely within the town limits. There have been a number of subdivisions attempts within the town limits; all failing to pass DelDot regulations. Buck also explained it is not a shared driveway. The seller is asking 175K more than the property is worth and the realtor and owner are advertising it illegally. An example of DelDot's entrance requirements can be viewed on Sophers Row. DelDot turned down a Hindu Temple with entrance off S. State Street but now a Community Solar Facility is being constructed with an entrance off Sophers Row. They take into consideration amount of traffic and the space needed to merge off the road in time to safely make the turn onto the property. Mayor Frazier noted that the residents must approve the developing and in the 2009 and 2019 Comprehensive Plans they made it clear they oppose density and only allow 2 homes per acre. The town is just the first step; then you must go to DelDot and Kent County. Buck offered to share all of the information he has compiled during his interest in the property. Mr. Larios stated he would like to see it and Buck offered to meet with him.

Mayor Frazier introduced Mr. Tyler Winchell. Mr. Winchell has questions regarding having chickens in the town limits. Mayor Frazier read the existing ordinance for animals and pets. Chickens for domestic use: 8 chickens per lot, located in rear yard, no roosters. 10' from the property line, 4 sq. feet per chicken. Chickens must be registered with the Del. Dept. of Agriculture. \$100 violation handled by Kent County Code Enforcement. Mr. Winchell questioned why no Rooster and council explained close proximity to neighbors and not enough space. Buck suggested fishing net or bamboo can protect the chickens from hawks. Councilman Ryan Clarke made a motion to draft new ordinance for Chickens and Buck Dougherty 2nd the motion; 4 in favor, 1 opposed, motion passed.

Buck advised council that he was questioned by the Post Office about mail delivery to 31/33 South Main. Apparently, the apartments are being used as Air B&B's. Mayor Frazier researched the Zoning which is R2 Apartment/Residential which includes Tourist Homes, Lodging House and Boarding House, which is basically a short-term rental. The only way to get mail delivered by the Post Office is to provide a lease; these renters pay by the week. The Post Office does not provide in town delivery. Susanne mentioned residents must sign a residency letter annually to approve PO Box. Council confers it is a postal problem not a council problem.

- b. Delaware Drinking Water Revolving Fund: Mayor Frazier will testify at Charter Change zoom meeting March 14th at 3:00 pm. In favor of the change. The change has passed the House Comm., the House of Rep., the Senate Comm., then to the Senate for final approval.
- c. Cross Connection Service No update.
- d. Lead Service Line Inventory: No update.
- e. Similar System Data Collection No update.
- f. Traffic Assessment: No update
- g. Curb Painting No update.
- h. Transportation Improvement District (TID): Mayor Frazier attended a meeting where DelDot's presentation put a house on every square foot of open space in Magnolia. It was explained that they start out with a worst case scenario and work backwards from 100% to 80% to 50% etc. Mayor Frazier relaxed and will continue with the process.
- i. DAFB Compatible Use Study No update.

New Business:

Lawn Care Contract: Council discussed the contract from last year and approved a 2023 Contract for Don Gravatt Lawncare & Landscaping. Diane will contact Mr. Gravatt and request proof of 2023 Certificate of Liability Insurance.

Old Business

- a. Property and Code Enforcement: Covered above.
- b. American Rescue Plan Act (ARPA): Mayor Frazier will report on June 1.
- c. T-Mobile/Sprint Contract Renewal: Mayor Frazier is using Council comments from last meeting and requesting a full agreement for 25 years including contact information and clean up requirements. Contract is not due until Feb. 2024,
- d. Ordinance 308 – Animals and Pets: Covered above.

There being no further business, motion to adjourn was made by Ryan, second by Susanne and the meeting adjourned at 6:50 pm.

Respectfully submitted,

Diane Cahall (via recording)