



Town of Wyoming
Special Council Meeting
Wyoming Town Annex
March 16, 2013
10:00 A.M.

CALL TO ORDER – Mayor Rife called the Meeting to order at 10:02 a.m.

Council attending: Mayor Dale Rife, Vice-Mayor Terry Witt, Secretary Jacqueline Stokes, Treasurer Georgette Williams

Council Elect Attending: Lisa Fulcher

Council Absent: Councilwoman Tracy Greenwood

Staff attending: Town Clerk Pamela Haddick

Audience attending: Mr. & Mrs. Gene McFann

PLEDGE OF ALLEGIANCE – Mayor Rife

MOMENT OF SILENCE FOR OUR TROOPS – Mayor Rife

ADOPTION OF AGENDA

Ms. Williams made a motion seconded by Ms. Stokes to adopt the agenda as published. All in favor; none opposed

OLD BUSINESS

- The “Changes to Hammerhead on Red Chestnut Drive” was withdrawn by the applicant.

NEW BUSINESS

- Council went over the answers to questions that they had sent to the attorney previously about changes to the Town Charter (See Attached.)
 - Section 3.2 Qualifications for Council – Barrett feels it would be better to have all of this in the Election Ordinance and not in the Charter. Council agreed.
 - Section 14.6 Treasurer – Council decided to leave as is.
 - Section 14.9 Town Solicitor – Council agreed with Barrett.
 - Section 15 Assessment of Taxes – Need to check with Barrett – can we just post assessments in Town Hall but post notices in 4 places in Town and on the Website saying that they are available in Town Hall? We might have to have Town Hall open one night a week during month of April or May in order for working

residents to have an opportunity to come in. Then we could schedule a Special Meeting at 7 p.m. in August prior to the 7:30 p.m. August Council Meeting in order to hear appeals to additions to tax bills. Council will still need to meet in April or May to hear and vote on senior tax exemption requests.

- Section 16 Exemption of Property from Taxation – A & B Leave as is. C & D Council decided to piggy back off of Kent County's exemptions rather than set our own limits – need to make changes in the Ordinance.
- Section 18.11 Dog Control – Council wants this to go to the Chief to determine what the state covers and what the municipality still needs to cover. Then we will update our Ordinance. Council wants us to look into what the SPCA would charge to be on call for the Town for dog control. We understand that other municipalities (possibly Camden) have done this. Pam will call Camden to check and then call the SPCA.
- Section 20 Fiscal Year/Annual Statement – Council agrees.
- Section 21.4 Provision for Payment; Special Tax; Sinking Fund – Council determined that Barrett should be given the go-ahead to draft an ordinance about ditch clean-up.

Ms. Williams made a motion seconded by Ms. Stokes to approve the changes discussed in order for Barrett to make changes to the Charter and draft necessary ordinances. Council will then go over the Charter Changes once again before sending them to Representative Blakey and Senator Bushweller. All in favor; none opposed.

Ms. Williams passed out copies of a rough draft of the Budget and brought to Council's attention a couple of the major budget items. She asked that each councilperson look over the budget draft and another workshop will be scheduled to go over it.

PUBLIC COMMENTS

- Mr. McFann thanked Council for having copies of the Charter Changes for the audience to follow during the discussion.

Ms. Stokes motioned to adjourn the meeting. Ms. Williams seconded the motion. All in favor; none opposed.

The meeting adjourned at 11:16 a.m.

Respectfully Submitted,
Pamela Haddick, Town Clerk

Town of Wyoming Charter

3.2 Qualifications

- We currently require each person running for mayor or a council seat to have a state criminal background check in order to run and each time they run. The results of it must be turned in at the time the filing papers are turned in. Should this requirement be added here? **I wouldn't include in the charter this requirement. It would be better in an ordinance or resolution.**
- Also, we are wondering about people who are currently on Council and are running again for the same seat. They had the criminal background check when they ran the first time. Should we have them get one each time they run as we do now or just the first time unless there is a lapse in term and they run again later? **An individual is only disqualified from being on Council if he/she is convicted of a felony or other "dishonesty" crime. Generally speaking, something of this magnitude is probably going to be common knowledge in Town, and even with a small town like Wyoming, it could end up on the front page of the newspaper. Unless Council thinks there's a risk something like this wouldn't be common knowledge in Town, I wouldn't worry about it. However, this would go in an ordinance or resolution and not in the charter.**
- Currently we only do a state background check. We were wondering if maybe the first time running we have them get a federal background check instead because it would be more in depth and then sign some sort of contract with the Town stating that if they have any legal issues while on Council, they have to notify Council of it. Then unless their term ends and they run again at a later time, there would be no need for a follow up background check. What are your thoughts? **In my opinion, as long as a candidate didn't just move to Delaware, I think a Delaware background check would probably be sufficient. If they just moved to Delaware within the past year or two, you may also want to get a background check done in the state where they previously resided. I think a state background check would probably be sufficient most of the time, but there could be rare instances in which a federal background check could turn up something important. This is really a judgment call for Council to make – how burdensome/expensive do you want running for council to be on candidates versus how likely is it that a federal background check will reveal something important. Either way, I would include this in an ordinance/resolution and not in the charter.**

14.6 Treasurer

- The beginning of this section states that the Treasurer must be sworn in by the Mayor before entering upon the duties of his/her office. Our Treasurer is always a Council Member who has already been sworn in to take the seat. Is it necessary to be sworn in again as Treasurer? **I actually think this would need to occur in two steps. If I understand how things work at the organizational meeting, all the new council members and the mayor (if new) are sworn in first. After they are sworn in, they organize by selecting a vice mayor, treasurer and secretary. Logistically speaking, the treasurer can't be sworn in at the same time because at that point council hasn't voted on the treasurer.**

- This section goes on to talk about the Treasurer giving bond of at least \$30,000 and later states that the Treasurer is not required to do this if the Town has a Public Employee Bond of at least \$1,000,000. Are Council Members and the Mayor considered public employees even though they do not get paid? **Typically, the Mayor and Council Members would not be considered public employees; however, they may very well be covered under the Public Employee Bond. The Town needs to contact the bonding/insurance agency to verify Mayor and Council are covered under this bond. Keep in mind the charter states the \$30,000 isn't required as long as the Town has the Public Employee Bond and it covers the Town Treasurer.**

14.9 Town Solicitor

- This section basically states that the Town Solicitor needs to be appointed at the annual meeting each year, but Terry has told the Mayor that once appointed, the Town Solicitor serves at the Council's pleasure and should not need appointing each year. So is this section really needed or should it be re-worded? **We can just remove "At the annual meeting" in this paragraph so it merely states Council selects a Town Solicitor.**

15. Assessment of Taxes

- (C) & (D) Since Wyoming uses Kent County's assessments for tax billing, is it necessary to have section (C)? Wyoming's Council can do nothing about the assessments other than send residents to the county anyway. We may still need to have a meeting in order to hear appeals on additions to tax bills. **You are correct. There is nothing that can be done about the County assessments. The purpose of these sections is to create procedures for challenges additions to the tax bills. For this reason we need (c) and (d).**

16. Exemption of Property from Taxation

- (A) To my knowledge, no tax exemptions have ever been given under this. Is it necessary? **This may not ever get used, but I would leave it in because it could be useful under the proper circumstances.**
- (B) This section is fine as it is except Council does not limit to seven (7) years. Is there a requirement somewhere else that exemptions can only run for 7 years? We have always (since I've been here) told people who annex in that they will have to pay no taxes (only trash) as long as they own the house. Once they sell it, it will once again become taxable. What's your opinion on this? **I believe the purposes of this provision is to allow the Town to entice properties into being annexed into Town by waiving taxes for a period of time not to exceed 7 years, and 7 years was likely included just to create a reasonable limit. However, if someone is requesting to be annexed into the Town, there's no need to waive taxes since they already want to come into Town and should be paying for the Town services they will be enjoying. I would leave this in the charter, but going forward, any waiver of taxes should really be used to attract properties into Town and probably shouldn't be offered to those voluntarily seeking annexation. As for those that have been told they have a waiver until they sell, I can look into what options the Town may have regarding these past waivers, but I won't do anything until the Town tells me to.**

- (C) & (D) Kent County exempts tax payers due to age and disability. Wyoming might want to just exempt (or discount) those that Kent County has approved. We are looking into Kent County's income requirements. If their requirements are a lot higher than ours, it might cost us too much in lost revenue to use them. Georgette is looking into it. I'll let you know what we decide after she looks into that. **State Statute authorizes the Town to exempt taxes for individuals 65 years of age or over. The Town actually has the flexibility to determine what the income threshold would be and to determine how much of an exemption to provide (i.e. exempt for the first \$30,000 of assessed value). This way you make sure it doesn't impact your budget too drastically. The Town must adopt an ordinance to do this (per State Statute). I recently drafted an ordinance for another Town that could easily be used for Wyoming if you want to do this.**

17. Collection of Taxes and Other Charges

- Second Paragraph – Change the first day of **June** to the first day of **July**.
- Third Paragraph – Change the first day of **July** to the first day of **August** in both places that the month of July is mentioned in this sentence.
- These are things our auditor is pushing us to do.
- I made all these changes.

18. Enumeration of Specific Powers of Council

- Section 18.11 – We do have the dog ordinance which we enacted; however, Kent County handles dog licenses, not the Town – maybe this needs some word tweeking. Dale seems to think that all dog issues have been taken out of our hands. Can you find out exactly what the county controls and what we can still control?
- Simply put, Delaware law authorizes the counties to issue dog licenses. Delaware law also has statutes related to dogs running at large, dangerous dogs, and some other regulations involving dogs. However, there are a few instances in the statute that mention enforcing the dog laws of a municipality, so it appears the legislature never intended to prevent municipalities from regulating in this area. Consequently, I would leave this provision in the charter unchanged because it is the authority we need to regulate dogs via ordinance. What I think we really need to do in the future is evaluate the state regulations, determine if there are any areas in which the state regulations fail to meet the Town's needs, and amend our ordinance accordingly. However, I won't do this until you tell me to.

20. Fiscal Year, Annual Statement

- The fiscal year part is fine; however, the Town does not produce an annual statement. We use the audit that an outside auditor does for us. When we receive the final audit from them, we announce to the public at council meetings and in the newsletter that we have it and anyone who would like to see it or have a copy can stop by Town Hall and pick one up. If we also post it on the website, is that sufficient or do we really have to post it in 5 locations? The problem is that three of the places we normally post agendas and notices are bulletin boards inside glass, so if we post there, the public cannot get to the audit to

turn the pages and look at it. I've revised this to refer to the audit instead of the annual statement. I also made a revision to require the audit be posted on the website and "notice" of the audit be posted in 4 locations, with the notice saying it can be reviewed at Town Hall.

21.4 Provision for Payment; Special Tax; Sinking Fund

- The Town has some ditches (not tax ditches) that seriously need clean-up. Can we put something in here giving Council the right to assess maintenance fees against properties adjacent to these ditches? The ditches have become clogged up with stuff people have thrown in there over the years and it is causing drainage issues which in turn are causing flooding issues in bad storms. We think cleaning them out will help with that.
- Some of these properties are in the county, not within town limits. What can we do about them? The Town is only going to be able to regulate land within the boundaries of the Town limits; it will not have any ability to regulate in the county. Under Delaware law, an individual could potentially be found liable for flooding related to an unmaintained ditch if it is found their actions unreasonably diverted water onto a neighboring property. If any of the ditches are on property owned by the Town, we need to make sure they are cleaned up. With regards to ditches on privately owned property, the simplest way to handle the situation would be to enact an ordinance regarding ditch clean up whereby the Town can clean up the property at the expense of the owner if the owner fails to act. The Town could then either add the costs to the tax bill or under 25 Del. C. Ch. 29 the cleanup costs would likely become a lien against the property. To do this, we would need to draft the appropriate ordinance, which we would be authorized to do under Section 26 of the Charter. Again, let me know if you want me to draft such an ordinance.