

AGENDA

REGULAR COUNCIL MEETING

FRANKFORD TOWN COUNCIL

FRANKFORD VOLUNTEER FIRE COMPANY MEETING ROOM

AUGUST 1, 2016

7:00 PM

- Meeting Called to Order
- Pledge of allegiance/honor of veterans and public servants
- Motion to Approve Agenda with any additions or deletions
- Presentation and Approval of Minutes:
 - Monthly Meeting – July 11, 2016
 - Special Meeting July 15, 2016
- **TREASURER'S REPORT**
- **REPORTS OF TOWN DEPARTMENTS:**
 - Water Department – from Clarence Quillen-White Marsh/Tidewater – Greg Welch
 - Town Clerk
 - Maintenance
 - Police
- **COMMITTEE MEETINGS AND REPORTS:**
 - Envision Frankford
- **NEW BUSINESS-**
 - **First Reading** - Ordinance No. 34 – **An Ordinance Amending Ordinance 3 and 25, as Amended, and Establishing Water Rates Within The Town of Frankford**
 - **First Reading** - Ordinance No. 35 – **An Ordinance Concerning Drilling of Wells Within The Town Limits of Frankford**
 - Establishment of Planning and Zoning Committee – Members: Duane Beck, Jason Taylor, Dora Bell-Isler and Ron Hall
 - Establishment of Board of Adjustment Committee – Members: Liz Carpenter, Bryan Murray and Jimmy Sample
 - Need to discuss repairing pavement on Reed Street from water main break
 - Council Discussion regarding Non-Resident voting privileged and one (1) non-resident Council Member.

- **UNFINISHED BUSINESS:**
 - Annexation Status
 - Asset Management Plan Status-on hold

- **CITIZEN'S PRIVILEGE:**
 - Comments and suggestions from anyone in attendance. **(3 minute time limit relative to posted agenda items only)**
- **EXECUTIVE SESSION:**

- **Motion to Adjourn**

Pursuant to 29 Del.C. Section 10004(e)(2) Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the Meeting.

POSTED: July 25, 2016

ORDINANCE NO. 34

AN ORDINANCE AMENDING ORDINANCE 3 AND 25, AS AMENDED, AND ESTABLISHING WATER RATES WITHIN THE TOWN OF FRANKFORD

BE IT ORDAINED by the Town Council of the Town of Frankford:

Section 1. Amend Ordinance 3 and 25, Article III, Meters; Rates., Section 5., Rates, first and second sentences, as follows:

- a. All property upon which any dwelling/business has been or may hereafter be erected having a connection with any mains or pipes which may be constructed or used in connection with the town water system and each dwelling unit of any multi-family dwelling shall pay the following rate: [~~\$3.50~~] \$12.68 per 1,000 gallons, plus a monthly service rate of \$3.00 per dwelling unit.

- b. This ordinance will expire one (1) year from the date this ordinance was adopted, unless it is reauthorized by Council.

Section 2. Ordinance 34 shall become effective immediately upon its adoption by a majority of the Town Council of the Town of Frankford.

ORDAINED AND ENACTED into law this _____ day of _____, A.D. 2016.

Town of Frankford

Attest: _____
Secretary

By: _____
President

SYNOPSIS

The purpose of this Ordinance is to increase the water rates for water being provided to residents of the Town of Frankford due to the loss of use from Mountaire. Even though the current water rate is \$8.75 per 1,000 gallons, no official ordinance was passed by the Town of Frankford and only temporary resolutions were enacted raising the water rate to \$5.00 and again to \$8.75 between 2000 and 2016.

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ORDINANCE NO. 35

**AN ORDINANCE CONCERNING DRILLING OF WELLS WITHIN THE TOWN
LIMITS OF FRANKFORD**

BE IT ORDAINED by the Town Council of the Town of Frankford:

Article I. Residential, Commercial, Industrial, Agricultural, and Irrigation Wells.

Section 1. No individual, entity, or commercial well driller shall initiate and start the process of installing, drilling, or commencing operations on the creation of any type of well within the town limits of the Town of Frankford without written approval from the Town Council of the Town of Frankford.

Section 2. Request for Town Approval.

a. Upon a formal written request of the individual, entity, or commercial well driller seeking to install, drill, or commence operations on the creation of any type of well within the town limits of the Town of Frankford, that individual, entity, or commercial well driller seeking Town approval, must state in their request:

- i. The location within town limits of where the well shall be placed;
- ii. The reason(s) and intended use of the well in question; and
- iii. The size of the well in question;

Section 3. Once the Town of Frankford has received a formal written request, said written request shall be placed upon the next monthly scheduled meeting agenda of the Town Council for it to be discussed, heard, and voted upon by the Town Council.

Section 4. Violation.

a. If a well is installed, drilled, and/or commencement of operations of the creation of any type of well as started within the town limits of the Town of Frankford without written approval from the Town Council, the individual, entity, or commercial well driller will be immediately ordered to cease and desist any further operations of the well.

b. If the activity commences after the cease and desist is ordered by the Town of Frankford, a fine in the amount of Five Thousand Dollars (\$5,000.00) will be levied and the violator shall pay the costs of attorneys' fees.

c. For every day the well is in operation, the violator will pay a One Hundred Dollar (\$100.00) fine until the well is capped and no longer operational.

d. The Town of Frankford reserves the right to initiate a Court of Chancery action against the violator requesting immediate action to stop use of said well and seek a court order mandating the well to be capped and no longer operational. The costs of this litigation, as well as court costs and attorneys' fees, will be the responsibility of the violator.

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SYNOPSIS

The purpose of this Ordinance is to allow the Town of Frankford the ability to approve or deny any well that is sought to be drilled within the town limits of Frankford. The reasoning for the ability to approve or deny is to safeguard against the threat to the Town's aquifer, allow oversight on the usage of any wells, restrict the usage of wells within the Well Head Protection Zone designated by DNREC, and to continue providing water to all residents and commercial business within the Town of Frankford.