

# **MAYOR & COMMISSIONERS**

## **March 9, 2009**

Mayor Niblett called the regular scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. In attendance were Mayor Niblett, Deputy Mayor Hitchens, Commissioners Anderton, Hodgins, and Williams, Town Manager Bynum-King, and Clerk of Council Fisher. Guests: Robert Benson, Howard Dickerson, Eleanor Kaul and Earl Holland.

### **Mayors Comments**

Mayor Niblett reminded everyone that the budget workshop for the Joint Council will be held on Wednesday, March 18, 2009 at 6:00 p.m.

### **Approval of Minutes**

Commissioner Williams made a motion to accept the February, 2009 minutes as circulated. Deputy Mayor Hitchens seconded the motion which passed with 4 ayes, 0 absent, and Commissioner Hodgins abstaining due to her absence last month.

### **Committee Reports**

#### Planning & Zoning-

Commissioner Anderton reported that the next meeting would be held on March 26, 2009.

#### Utility Commission-

Commissioner Hodgins said that there was nothing new to report.

#### Parks & Recreation-

Commissioner Williams reported that Parks and Rec. did meet on Wednesday, March 4, 2009. She reviewed the banking and checking accounts as outlined in the report she provided for the Commission, which will be attached with these minutes in the Minute Book.

Commissioner Williams reported that the Diamond Dreams Spring Training Day was a success. There were 10 girls that showed up and they had a great time. This is something that Parks and Rec. has voted on to do again next year. She also said that there was a break-in at the Mason Dixon field building. Nothing was taken but there was damage to the locks and to one window. The locks have been changed and Bill Hearn is in the process of repairing the window.

Commissioner Williams also reported that Mr. Wayne Mitchell from WoodCreek stated that they would like to hold a golf tournament there this fall. The Parks and Rec. were very supportive of this idea.

She said that Mr. Andy Kitzrow, the Director of Wicomico Parks and Rec., who attends all the meetings, reported that the summer program at State Street Park costs approximately \$5,000.00 for an 8 week period (Mon.-Thurs. 10:00 a.m.-4:00 p.m.) for 2 teachers and the supplies. Also, that it is very unlikely that Wicomico County will ever put this program back in their budget. Commissioner Williams did report that Wicomico County would be happy to assist Delmar in getting the program running here.

Commissioner Williams reported that Rick Conrad from Wicomico County Parks and Rec. has been contacted to

research information on using individuals from the Detention Center work release program to provide free help in keeping the parks clean. Town Manager Bynum-King asked what the potential hours would be for the work-release individuals and how would they be transported back and forth. Commissioner Williams responded that it would be 4-5 hours in the evening and she was not sure how they would get back and forth. Town Manager Bynum-King said that when the Town used work-release individuals in the past we had to provide transportation as well as, supervise the individuals at all times.

Commissioner Williams also provided some information on properties that might be available for Parks and Rec. to purchase for another park for the Town. Some of these properties are not located within the Town limits with some being quite a distance out of Town.

#### Centennial Committee-

Mayor Niblett reported that the VFW, the Lions Club and the Chamber of Commerce are a few of the newer participants. The Chamber of Commerce has discussed the possibility of doing a time capsule. The Chamber is also soliciting local businesses to see if they would like to advertise for the Celebration, along with participating in the Store Front Contest.

Mayor Niblett also reported that he has contacted Mrs. Bynum, from the African-American community, to see if she was willing to help with some of the committees. He said that she responded that she would like to help. He also said that he has tried to contact Mrs. Marion Handy, but with no luck so far. He concluded by saying the next meeting would be held on March 25, 2009 at 6:00 p.m.

#### Police Commission-

Mayor Niblett reported that Officer Dallam has returned from training with the new K-9 (Aaron). He asked that Officer Dallam and Aaron be asked to attend the April Joint Council meeting.

Mayor Niblett said that Commissioners Williams and Anderton are on the Parade Committee and have contacted the Chamber of Commerce to retrieve their list of those who participated in the Christmas Parade last year. He also said that the Park Reservation and Parade Permit forms need to be completed and turned in to the Administrative Office. Along with the Delaware side does their paperwork for the street closing for the Block Party.

### **Unfinished Business**

#### Delmarva Inn-

Mayor Niblett said that in the last report, there were still units closed due to non-compliance with the health and safety codes. There was some discussion on the agreement with the original owners in reference to the extended stay units. Along with this there was some discussion on not issuing a business license until the Inn is 100 % compliant. Children running around the parking lot, numerous police calls, along with the physical condition of the building were some of the concerns the Commission had with the Inn.

It was brought to the attention of the Commission that the Inn has already paid for their business license, but the license has not been issued. The consensus of the Commission was to refund the Inn their payment. Commissioner Anderton said that this will be an opportunity for the owner of the Inn to attend these meetings. He has been asked over and over to attend a meeting, but as of yet has not.

Commissioner Williams made a motion for the Town not to renew, indefinitely, the business license for the Delmarva Inn located in Delmar, Maryland. The motion was seconded by Commissioner Anderton and passed with 5 ayes and 0 absent.

## **New Business**

Town Manager Bynum-King reported that she was notified last week by the Corporate Office of Rite-Aid, that the contractor with the construction on the Bank of Delmarva, cut the electrical cable for their outside parking lot lights on the south side of the building. They are trying to file a claim, but there is a dispute. The Bank is claiming that it was the contractor who installed cable that should be responsible for replacing the electrical line for the lighting. The estimate is approximately \$10,000.00 to replace the cable.

Town Manager Bynum-King reported that on March 3, 2009, she did meet with representatives K Bank and DB&F in reference to the Heron Ponds development. K Bank has foreclosed on the development. The Bank did assure the Town that they are going to take over the development. The purpose of this meeting was for the Bank to get a better understanding on any outstanding invoices that were due to the Town and to get an update on the project engineering status.

Mayor Niblett asked Town Manager Bynum-King for any updates on the Food Lion shopping center in reference to the light outside of Bonanza. He said that it's really dark on that corner. She said that the Town did send a letter to Silicato Development, the owners of the shopping center, and they responded that the light belongs to Bonanza. She also said that it has been difficult to get anyone from Bonanza to respond to our correspondence. There was discussion on any easements that would be owned by Silicato. Town Manager Bynum-King responded that she had only inquired on that light on that particular piece of property. Resident Howard Dickerson said that there is a "For Sale" sign on Bonanza with a phone number of a bank. He suggested that by contacting that bank might bring about some kind of response to the lighting concern. Resident Eleanor Kaul asked if it would be possible for the Town to repair the light and then put a lien on the Bonanza property for the cost of the repairs. Mayor Niblett said that is a possibility. Town Manager Bynum-King responded that this issue is something the Delaware Council will have to decide.

Commissioner Anderton reported that he and Council Member Payne paid a visit to Diamond Dreams and spoke with Jaime in reference to the paving of their parking lot. Jaime said that he will go before their Board and bring this subject up for discussion. Commissioner Anderton said that they told Jamie that the Town does want to work with him, but they do need to move this project forward.

## **Town Manager's Report**

Town Manager Bynum-King reported that she has had some discussion with Lt. Remo in reference to the No Parking signs in WoodCreek. He said that the whole issue would involve more research on his part as to the height, sizes of the signs and the wording, so that the Officers can enforce the sign.

Town Manager Bynum-King stated that she did have one legal matter for Executive Session this evening.

## **Commission Comments**

Commissioner Hodgins reported that she will be proposing \$5,000.00 for the budget to continue the summer program for the children at State Street Park. Mayor Niblett suggested sending letters to the Civic Organizations in Town to see if they might be willing to help out. Commissioner Hodgins said that she will be attending the budget workshops, but due to the Lenten services, she will be late.

Deputy Mayor Hitchens inquired if there were any special animal ordinances for pit bulls. He said that lately he has had a pit bull, without a leash or collar, in his yard. Town Manager Bynum-King responded that the Elected Officials did just amend the Animal Control Ordinance. If Deputy Mayor Hitchens would like to have the ordinance amended again, then he could initiate the process with providing his colleagues with his recommendations. Deputy Mayor Hitchens did say that his wife is able to return to work this week.

**Public Comments**

Ms. Eleanor Kaul asked for an update on the property on Maryland Avenue that was going to be used for watermelon storage. Commissioner Anderton responded that project is not going to be moving forward. She also inquired into the responses to the survey that was sent out earlier this year and if those responses could be put in the newsletter. Town Manager Bynum-King said that the responses could be made available, but it was too late to submit this information for the newsletter, since it is about to be mailed out.

**Adjournment into Executive Session**

Deputy Mayor Hitchens made a motion to adjourn into Executive Session. The motion was seconded and passed with 5 ayes and 0 absent.

Submitted,

Clerk of Council

