

MAYOR & COUNCIL

April 6, 2009

Mayor Outten called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. In attendance were Mayor Outten, Vice Mayor Houlihan, Council Members Pase, Payne, and Thompson, Town Manager Bynum-King, and Clerk of Council Fisher. Guests: Josh Taylor.

Mayor's Comments

Mayor Outten reported that Mayor Niblett's grandsons' condition is improving.

Approval of Minutes

Council Member Pase made a motion to accept the February 2, 2009, Mayor and Council minutes as circulated. Council Member Payne seconded the motion, which passed with 5 ayes and 0 absent.

Committee Reports:

Planning & Zoning

Vice Mayor Houlihan stated that he did a brief summary of these items at the Joint Council Meeting. He reported as follows:

- 1). There were individuals who wanted to construct anew home in Bridgewood Estates. Ryan Homes had done the majority of the homes out there, and this new home proposal, for a Cape Cod style house, had a completely different look than those homes. The Commission had asked him to go back and revise the house plan design and then return to the April meeting. They suggested that he go before the HOA to get their opinion of the style of the proposed home.
- 2). Mr. Bill Diakos from Delmar Pizza was present and wanted to put a new sign on the existing pylon sign outside the shopping center. There was discussion on adding the sign to the bottom of the pylon, but due to high vegetation in the stormwater pond, it caused a visibility concern. Maybe some of the growth could be removed so that the added sign could be visible. Raising the pylon sign approx. 35 inches to add the sign amongst the existing signs was also discussed. Vice Mayor Houlihan stated since there is a height restriction on signs, there was discussion on if it could be grandfathered in. He said in his opinion, it could be. It was decided that Mr. Diakos would speak with the landlord of the shopping center to discuss these possibilities and return to the April meeting.
- 3). A representative of Hastings Bros. wanted to demolish and rebuild a home at 305 S. Maryland Ave. The proposed home would have the same footprint as the existing home. The proposed house did not have any windows on the sides, which was a concern to the Commission Members. The builders will add 2 windows on the bottom facing north and add one window on the other side.
- 4). A representative from DB&F presented an update for the Maryland Comprehensive Plan.

Utility Commission

Council Member Pase reported that they held a Special Meeting earlier this evening for the purpose of accepting the recommendation from DB&F to award the bid from Bearing Construction for \$5,884,000.00 for the upgrade to the Wastewater Treatment Plant. She stated that the Utility Commission agreed with DBF recommendation. Council Member Pase made a motion to accept the recommendation from DB&F to award Bearing Construction the contract for the Wastewater Treatment Plant upgrade. Council Member Thompson seconded the motion which passed with 4 ayes and 1 abstaining. Council Member Payne abstained since he is employed by Bearing Construction.

Parks & Recreation

Town Manager Bynum-King reported that progress is being made on the skate park and the basketball courts. The Notice to Proceed had today's date. There was a question as to if the basketball courts would be lighted. Town Manager Bynum-King responded that no, there would be no lights as part of this project funding. She reported that there will be fencing around the basketball courts with gates, to be locked at the park closing times. There will also be proper signage for park hours and rules. Community Development Coordinator Hardin is working to have all components of the park upgrades finalized before equipment installation is completed.

Centennial Committee

Mayor Outten reported that he still has not been able to contact the company for the laser-light show. He said if it works out, the plan is to have the (old) fireworks on the first day and then the (new) laser-light show at the end of the celebration. The consensus of the Council was that the fireworks first and then the laser-light show at the end would be great.

Public Works

Vice Mayor Houlihan reported that they had televised the sewer line on Pennsylvania Avenue along the route of streetscape. He said that there were some cosmetic issues with some cracks and breaks of the lining. He also reported that Public Works are in the process of mulching the playgrounds, there will hydrant flushing and they are doing maintenance on the lawn equipment.

Unfinished Business

Mayor Outten inquired if the Town had renewed the business license for the Delmarva Inn. Town Manager Bynum-King confirmed that the Maryland Commissioners did not renew their business license. She said that their legal counsel with discuss options with them at their next Maryland meeting. She also stated that the Town has received an informal notice that the Delmarva Inn is in foreclosure.

New Business

Town Manager Bynum-King reported that each year the Town receives funding from the State of Delaware from Municipal Street Aid Grants. These funds are to reimburse the Town for cost we incurred for budget line items such as street lighting, etc. This year The Town received \$42,987.02 in the Municipal Street Fund and the amount that needs to be transferred from there into the Delaware General Fund Account is \$42,971.92.

Council Member Pase made a motion to transfer \$42,971.92 from the Municipal Street Fund Account to the Delaware General Fund Account. Council Member Thompson seconded the motion which passed with 5 ayes and 0 absent.

Town Manager Bynum-King reported that the Town has received a request from a resident to purchase a Town-owned parcel of land at 201 E. Jewell Street. She explained that there had once been a house on the property that the Town acquired through a tax sale. Due to the condition of the house the Town had it torn down and have continued to maintain the small lot. The interested purchaser is a resident that resides at parcel at 200 Second Street next to the vacant lot and has stated the property would be used as additional yard space and to put up a garage. The potential purchaser has been informed that the parcel is too small to meet the Town setback requirements as well as the existing housing area is already too dense.

Council Member Thompson made a motion to pursue the selling of the property at 201 E. Jewell Street, Delmar, DE with a deed restriction that the property would only be used for additional yard space or placing a garage/shed on the property. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

Town Manager Bynum-King reported that she has sent the Delaware Officials e-mails and hard copies of the mediation process that everyone has to fill out and return. She encouraged the Council to do so as soon as possible.

Ordinance 154- Diakos Annexation (First Reading)

Mayor Outten read Delaware Ordinance 154 - Vasilios Diakos Annexation. Vice Mayor Houlihan noted some spelling errors. Town Manager Bynum-King reported that she has received a letter from Sussex County stating that they did not have any issues with the proposed annexation. We are waiting for formal comments from The State of Delaware Planning Office. The State will not formally acknowledge the proposed annexation until it has gone through the PLUS review.

Council Member Thompson made a motion to accept the First Reading of Delaware Ordinance 154. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent. Town Manager Bynum-King stated that the Public Hearing will be scheduled for May 4, 2009.

Ordinance 155- Wellhead Protection (First Reading)

Vice Mayor Houlihan gave a brief review of this Ordinance by stating that the Planning and Zoning Commission is trying to tie in both states with the Maryland Comprehensive Plan, though only Delaware actually has wellheads. He explained the different wellhead protection areas and why they are necessary for the protection of the drinkable well water along with their conditional uses.

Vice Mayor Houlihan read Ordinance 155- the Wellhead Protection Ordinance. Vice Mayor Houlihan made a motion to accept the First Reading of Delaware Ordinance 155. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent. Town Manager Bynum-King stated that the Public Hearing for this Ordinance would also be scheduled for May 4, 2009.

Town Manager's Report

Town Manager Bynum-King reported that she will need an Executive Session after this meeting for legal and personnel issues.

Commission Comments

Council Member Pase reminded everyone of the upcoming spring break for the high school and for everyone to be on the look out for children playing.

Adjournment into Executive Session

Council Member Pase made a motion to go into Executive Session. The notion was seconded by Council Member Payne and passed with 5 ayes and 0 absent.

Submitted,

Cindy Fisher
Clerk of Council

