

# MAYOR & COUNCIL

## May 4, 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: Lou Alberti, Howard Dickerson, Bill Diakos, and Pat Hurley.

### **Mayor's Comments**

Mayor Outten welcomed everyone to the meeting.

### **Approval of Minutes**

Vice Mayor Houlihan made a motion to approve the April 6, 2009 minutes as circulated. Council Member Pase seconded the motion which passed with 5 ayes and 0 absent.

### **Committee Reports:**

#### **Planning & Zoning**

Vice Mayor Houlihan reported that there was not a quorum at the April meeting. The next meeting is scheduled for May 21, 2009.

#### **Utility Commission-**

Council Member Pase reported that State Street Laundromat has met its requirements to maintain the 15EDU's that it had been assessed. Also, the Utility Commission approved the process of "slip lining" in order to help the cracked terra cotta sewer pipes on Pennsylvania Avenue.

#### **Parks & Recreation-**

Council Member Payne reported that the materials for the Skate Park have been ordered and May 22, 2009 is the targeted completion date. The new basketball court should be completed prior to May 22, 2009. The Park will not be illuminated and will be open from Dusk to Dawn.

#### **Police Commission-**

Mayor Outten reported that there was nothing new since the last report at the Joint Council.

#### **Public Works-**

Vice Mayor Houlihan reported that there was nothing new to report.

#### **Centennial Committee-**

Mayor Outten reported that he has a meeting scheduled for this Wednesday with representatives from the fireworks company he is interested hiring for the Centennial celebration. They are going to decide the best place to set them off. Mayor Outten said that some places he is considering are either Gordy Park or the school yard. Council Member Payne stated that he will see to it a Fire Tanker will be there on stand-by if needed. Mayor Outten said that he is still trying to contact a representative from a laser light company to do the finale of the celebration.

#### **Public Hearing- Ordinance 154 (Diakos Annexation)**

Mayor Outten read Ordinance 154 which described the property of Vasilios Diakos to be annexed into the Town limits of Delmar, DE. Town Manager Bynum-King did say that everyone will need to take into consideration that the Town is still waiting for Delaware State Planning to give final approval of the Plan of Services for this annexation

request. The State has already given one review and comments, and we are waiting for the review of the recommended changes made. The annexation can not be finalized until the State Planning Office accepts the Plan of Services. Mayor Outten opened up the hearing for public comments.

After hearing no comments, Mayor Outten closed the Public Hearing. Council Member Pase made a motion to accept Ordinance 154 contingent on the approval from Delaware State Planning. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

**Public Hearing- Ordinance 155 (Well head Protection)**

Mayor Outten read Ordinance 155 for the Source Water Protection of the Town's water. Mayor Outten opened up the hearing for public comments.

Resident Lou Alberti stated that his business is the neighboring property of one of the protected areas. The Council informed him that he is an existing business and it did not affect him unless he decided to either expand his building or change the type of business he would be running out of that building.

Resident Pat Hurley questioned the footprint of the designated protected areas. The Council informed him that Delmar only has 2 wells currently and with any additional ones, they would have to fall under these new guidelines.

Upon hearing no further comments Mayor Outten closed the Public Hearing. Council Member Payne made a motion to accept Ordinance 155. Vice Mayor Houlihan seconded the motion which passed with 5 ayes and 0 absent.

**New Business**

**Lou Alberti- Subdivision Request**

Mr. Alberti informed the Council that he is interested in purchasing Lot 31 from the Hastings Estate located on the corner of Maryland Avenue and State Street and then subdividing it into 3 lots. He said that in the mail packets he has provided previous meeting minutes (Planning & Zoning, December 15, 2005) that showed a precedent with Mr. Teneffoss and his identical request for the Maryland Avenue property. He reviewed the Town's zoning code and the requirements and inherent uses for the specific zoning of this property. He has provided everyone copies of the layout of how he will subdivide the property and that he is not asking for any special exceptions or variances since everything meets all setback requirements.

Mr. Alberti reported that he has already gone before the Planning and Zoning Commission and he was disappointed with their comments. He said that they commented more on the style of the home he was interested in building and not on the subdivision request.

Mayor Outten said he had some concerns about the parking for these new homes, since there is already enough on-street parking due to the Church next door. . Mr. Alberti stated that they will have their own driveways and will have ample space to park on their own properties. Mr. Alberti said that the existing house has its' driveway coming off of State Street, but the two new homes would have their driveways coming off of Maryland Avenue.

Vice Mayor Houlihan stated that he will report on behalf of the Planning and Zoning Commission. He said that Mr. Alberti came before them with this as just a concept. He also said that the members that were on the Planning and Zoning Commission for Mr. Teneffoss are not the same Commission Members today. The Commission today wants to be cautious when it comes to subdividing property. It is something that once done, is not easily undone. It may look good on paper, but in reality it was a mistake. They felt that dividing the property into 2 lots was better suited. The Commission had also discussed the parking on Sundays and Wednesdays for the Church. He said that there had been no motions made since it was just a concept plan.

There was some further discussion on the cut-outs for driveways and the layouts of the parcels provided by Temple-Sellers Surveyors. Council Member Payne made a motion to approve Mr. Lou Alberti's request to subdivide parcel # 31 of the Hastings Estate located on the corner of Maryland Avenue and State Street, Delmar, DE. into a total of 3 lots. Council Member Thompson seconded the motion which passed with 5 ayes and 0 absent.

### **Town Manager's Report**

Town Manager Bynum-King reported that the Delmarva Inn was closed down on Friday. The electric company had turned off their electric. Once notified about the electric, The Town contacted the Inn's legal representative, along with Wicomico Environmental Health Agency to inform them that effective May 1, 2009 we could be closing the Delmarva Inn. The process occurred without any incident; representation from the Police Department (Lt. Remo/Cpl. Esham) accompanied Community Development Coordinator, William Hardin to ensure the safety of all the residents in their departure from the Inn. During the course of the closing, the gas company disconnected that utility and by the end of the day the Town had turned off their water.

She continued by reporting that no one is living there now and the Town is doing periodic checks to ensure the locks and seals have not been tampered with. The Inn is currently going through the process of foreclosure. Council Member Payne reported that on Thursday evening, the Delmar Fire Department responded to a call at the Inn and found it to be without electric then. When they went into the room of the patient, they found about 20 candles burning and they were told then that the electric had been turned off. He said that the Fire Chief called the Town Manager at that point.

Town Manager Bynum-King also reported as of Friday, May 1, 2009, the Town took over the Yorkshire Estates Pump Station. The pump station electricity was disconnected for non payment; we were able to have the service turned over to the Town. Along with several other developments, Yorkshire Estates is continuing to struggle to survive this declining economy.

Council Member Payne commented that this is another circumstance where the Town is not notified when a business is having their electric disconnected. First it was the Delmarva Inn and now the pump station at Yorkshire Estates. The Inn had people living there and the pump station was carrying waste. Both situations could have been disastrous. Town Manager Bynum-King stated that she will find out whom to contact at the electric company and send them a letter from the Mayors. Mayor Outten stated that the power company should notify us in these situations, we don't need to know the reasons why the power is being turned off just that it is.

### **Commission Comments**

Council Member Pase asked the members of the audience if they have any suggestions for the Centennial Committee. She said that the Committee is moving forward with some great ideas but could always use either suggestions or manual labor help.

Resident Lou Alberti asked about advertising. Council Member Pase responded that Marlana Hodgins and Tommy Young are handling advertising and are getting some information together to contact local businesses to see if they would be interested in buying advertisement pages in the booklet for the Centennial.

Vice Mayor Houlihan stated that he had heard that the Saturn of Salisbury will be closing today. The Council confirmed this. He said that he also heard that the employees didn't know until they showed up for work this morning. They will be sending their cars to their Dover, Delaware facility. There was some conversation of what types of business would fit well in that building.

**Adjournment**

Council Member Pase made a motion for adjournment which was seconded by Council Member Payne. The motion passed with 5 ayes and 0 absent.

Submitted,

Cindy Fisher  
Clerk of Council

