

## **Joint Council June 22, 2009**

The regularly scheduled Joint Council meeting, comprised of the Mayor & Council of Delmar, DE and the Mayor & Commission of Delmar, MD, was called to order at 7:00 p.m. In attendance were Mayor Niblett, Deputy Mayor Hitchens, Vice Mayor Houlihan, Commissioners Anderton, Hodgins, and Williams and Council Members Pase, Payne and Thompson and Clerk of Council Fisher. Absent: Mayor Outten and Town Manager Bynum-King. Guests: Jill Braungart, Kota Chandra, Brock Parker, and Gary Tucker.

### ***Called to Order***

Mayor Niblett called the meeting to order at 7:00 p.m.  
The Joint Council performed the Pledge of Allegiance.

### ***Mayors Comments***

Mayor Niblett reported that Mayor Outten was ill and that due to her father's illness; Town Manager Bynum-King was with her family.

### ***Approval of Minutes***

Mayor Niblett stated that since the Town had decided to discontinue with the separate meetings, the Maryland Commission and Delaware Council minutes also have to be approved this evening.

Deputy Mayor Hitchens made a motion to approve the May, 2009 Joint Council minutes as circulated. Commissioner Hodgins seconded the motion which passed with 7 ayes, 1 absent, and 2 abstaining. (Council Member Thompson and Commissioner Williams were absent at the May Meeting)

Deputy Mayor Hitchens made a motion to approve the June, 2009 Mayor and Commissioner minutes as circulated. Commissioner Hodgins seconded the motion which passed with 5 ayes and 0 absent.

Council Member Pase made a motion to accept the June, 2009 Mayor and Council minutes as circulated. Council Member Thompson seconded the motion which passed with 3 ayes, 1 absent, and Council Member Payne abstaining due to his absence last month.

### ***Parks and Recreation Report***

Commissioner Williams reported that there had not been a meeting this past month and commented on how well the basketball and skateboard parks looked. She said that the basketball courts are just about finished, with the coating and the drawing of the lines on them left to do. She commented that she would like to do a ribbon cutting ceremony this Saturday afternoon around 3:00 p.m., but would like some suggestions, since she has never done one.

Deputy Mayor Hitchens stated that would be really short notice. Commissioner Anderton stated that he felt that the basketball courts would not be here but for the help on Linda (Sam) Lenox,

who passed away last week. He suggested that the park be named after her. Mayor Niblett stated that he thought, while the idea was nice, it wouldn't be fair or right, other individuals who worked hard on getting a other things done in Town, who were still alive. He did say that he would recommend a plaque in her memory for the park. Commissioner Williams said that she felt the plaque, if left in the park, would be destroyed. She suggested that a plaque be given to her husband. Council Member Payne said that this is something that could be discussed at the Parks & Rec. meeting.

Mayor Niblett did agree that this Saturday would be too early for a ribbon cutting. He said that certain people, such as the press, the elected officials, and those who awarded the Town the grant should be notified and invited. Commissioner Hodgins suggested that a sign be posted that states helmets are required and with the hours. Mayor Niblett reported that there is a sign posted that has the rules along with the hours.

### ***Police Chief's Report***

Mayor Niblett read the Police Chief's Report that was included within the mail packets. Mayor Niblett reported, from Town Manager's Bynum-King notes, that the low bidder for the design and construction of the Public Safety Building was the Becker Morgan Group. The bids for the design ranged from \$114,300.00 to \$183,500.00 and for the construction phase, the bids ranged from \$45,800.00 to \$60,500.00. The Town has under budgeted this fiscal year for the design by \$64,000.00. Mayor Niblett recommended that this be tabled until such time as the Town can secure additional funding sources for the \$64,000.00 difference.

### ***Delmar Revitalization Report***

Chairman Chris Walter reported that the meeting that had been scheduled for June 18, 2009 had to be rescheduled to June 24, 2009. He stated that all the bricks had been replaced for the street-scaping project on Pennsylvania Avenue. The lights are back on at the Theatre. He reported that the grass is high behind the Lecates Building. He inquired as to the issuance of building permits on the work that is being done in some of the buildings in the downtown area.

Mr. Walter continued by reporting that the Revitalization Committee will be having a Park Clean-up day on July 10, 2009. He stated that he has volunteers and they also will be replacing the flowers by the Caboose that got destroyed during the street-scaping project. He reported that the flag pole at State Street Park is damaged and needs to be replaced. He said that he would like to see it replaced before the 4<sup>th</sup> of July. He stated that he along with many others have complained of the railroad crossing, and asked what could be done. Mayor Niblett stated that the Town has addressed the issue with the Railroad and the Town was told that it is evaluated every so often and is not that bad to be repaired immediately. He suggested that the Committee write letters to the Railroad.

### ***Code Enforcement Officer's Report***

Mayor Niblett read the Code Enforcement Officer's Report that was included within the mail packets.

### ***Fire Department's Report***

No one was present to give a report.

### ***Utility Commission Reports***

Council Member Pase reported that she was not present for the meeting and that there was not a quorum. Mayor Niblett read the report that Town Manager Bynum-King left. He reported that the slip lining project has been completed on Pennsylvania Avenue. The contractor that created the break in the sewer main came back and made all the necessary repairs.

He continued by reporting that the Town did receive two permits to install wells. He said that due to the time schedule in having the well installed, Town Manager Bynum-King contacted the Town's Engineer and forwarded to him all the information for his review and recommendation. The first well was at the Delmar Commons for the Mattress Store, for irrigation purposes. The second well was dug for installation of a geothermal heating system at the Delmar School District.

He also reported that the BNR/ENR Project is finally underway. The pre-construction meeting had been held and it was established that progress meetings will be scheduled on site in one of the construction trailers on the 4<sup>th</sup> Tuesday of each month until the project is complete.

### ***Public Works Reports***

Vice Mayor Houlihan reported that they are catching up on grass cutting on force accounts. He also reported that the installation of the stork nozzles is just about completed. They also cut the outside of the storm water management pond at Bridgewood Estates.

Vice Mayor Houlihan also reported that the basketball courts should be striped this week. He did say that there had been some vandalism with someone cutting the fence to the courts.

### ***Centennial Reports***

Mayor Niblett reported that there were very few people in attendance at their last meeting. The next meeting is scheduled for July 9, 2009 at 7:00 p.m. at Town Hall. He also said that there will be a Souvenir Booklet meeting held this week on the 24<sup>th</sup> at 7:00 p.m.

He reported that they are still looking for places for their historical tour and he has not heard from any of the churches that had been contacted for the ice cream social to be held on Tuesday afternoon. Vice Mayor Houlihan stated that he would contact the Catholic Church. Mayor Niblett stated that the Committee still has to set the prices for the fines for the make-up, beards and mustache contests. He said that anyone violating this ordinance will be "jailed" and the "jail" would be located on Pennsylvania Avenue for public display. He also said that Wilmington Trust would like to be approached about helping out in the purchasing of the shirts for the Celebration.

### ***Planning and Zoning Commission Report***

### **Amended Resolution 2009-02-02 Vasilios A. Diakos Annexation**

Vice Mayor Houlihan reported that this amended Resolution was due to a discrepancy in the zoning wording. He read the Amended Resolution 2009-02-02 for the proposed annexation for Vasilios A. Diakos.

Council Member Thompson made a motion to accept Amended Resolution 2009-02-02. The motion was seconded by Council Member Payne and passed with 4 ayes and 1 absent.

#### **DB&F Maryland Comprehensive Plan Review**

Vice Mayor Houlihan reported that Mr. Tim Bourcier from DB&F updated the Commission on the Maryland Comprehensive Plan. He said that there were just a few grammatical changes and that they were ready to forward the Plan to the State.

Commissioner Williams made a motion to accept Planning and Zoning's favorable recommendation to accept the Maryland Comprehensive Plan Draft for Delmar, Maryland as prepared by DB&F as of the date of June 18, 2009. Deputy Mayor Hitchens seconded the motion which passed with 5 ayes and 0 absent.

#### **Dr. Chandra & Brock Parker (Parker & Associates) Rt. 13 & Thornton Blvd. Retail Shopping Center**

Vice Mayor Houlihan reported that Dr. Chandra and Mr. Parker from Parker and Associates presented a conceptual plan for a retail shopping center next to Sleepy's.

Mr. Parker described the property as 1.5 acres and will have a total of 15,400 sq. ft. of shopping space with the maximum of 10 shops. The interior walls will be partitions so they can be expanded if the tenants require more space. There would be 3 egresses and ingresses to the property and that the proposed parking would meet the Town's code. He also showed some proposed landscaping with crepe myrtles along with other low lying bushes. Also, there would be 2 dumpsters located on the property that would have screens on all sides and will have gates. The lighting and building materials would be similar to that of the Delmar Commons Plaza, with all 4 sides being finished in the same way.

Vice Mayor reminded everyone that this center is separate from the Commons and will have its' own signage. Council Member Pase asked how many EDU's they would need. Mr. Parker responded that they would probably need 7-8 EDU's.

Council Member Pase made a motion to accept Planning and Zoning's favorable recommendation to approve the conceptual plan for Dr. Chandra for the development of a retail shopping center at the corner of Rt. 13 and Thornton Blvd. in Delmar, Delaware. Council Member Thompson seconded the motion which passed with 4 ayes and 1 absent.

#### **Bryan Adkins- 9037 Newbridge Drive, Bridgewood Estates, Delmar, Maryland**

Vice Mayor Houlihan reported that 9037 Newbridge Drive is the corner lot off the entrance of Bridgewood Estates off of Old Stage Road. It already has stakes in the ground that shows the footprint of the house. He said that Mr. Bryan Adkins from Atlantic Bay Homes is proposing that Beracah Homes will be building the home and he would be finishing the second floor along with

the garage and front porch. Vice Mayor Houlihan stated that the house fits within the footprint and all the setbacks. The owners are currently in loan negotiations.

Commissioner Hodgins made a motion to accept Planning and Zoning's favorable recommendation to approve for Atlantic Bay Homes in care of Bryan Adkins plans for a single family residence located at 9037 Newbridge Drive, in Bridgewood Estates located in Delmar, Maryland as per the attached drawings. Deputy Mayor Hitchens seconded the motion which passed with 5 ayes and 0 absent.

### **Mark Thomasson- PCS Homes- WoodCreek Resident Input Meeting & New Townhouse Plans**

Vice Mayor Houlihan reminded everyone that Mr. Thomasson had been present at the May, 2009 Planning and Zoning meeting with designs for a new style of townhouse for a section of WoodCreek for possibly 100 lots. Planning and Zoning members had asked Mr. Thomasson to hold a Resident Input meeting so that the residents of WoodCreek could be informed of this new style of townhouse and get their feedback.

Commissioner Anderton reported that he and Planning and Zoning Member Henderson attended the resident Input meeting, along with Mayor Niblett. He stated that these proposed models are already for sale on the PCS Homes website. He said that they are offering a 1,200 sq. ft. three-bedroom, one-bathroom townhouse unit. Also being offered is a three-bedroom, 2-bathroom, 1,400 sq. ft. unit. He said that there would be as many as 8 units per building, with 110 units in total. These townhouses would not be near the premiere lots in the development.

Commissioner Anderton said that the resident input was overwhelmingly against them, with home values the biggest concern. He said that Mr. Thomasson did attend the Planning and Zoning meeting and stated that he had demographic studies that showed this type of townhouse is what will be in demand. Commissioner Anderton reported that he had asked Mr. Thomasson for a copy of the demographic study along with the total units in WoodCreek already that only have one bathroom. He said that the discussion was tabled until July, so that Mr. Thomasson could gather the requested information and present it to the Planning and Zoning Commission. He reported that Planning and Zoning are not in favor of the 1,200 sq. ft. units.

Vice Mayor Houlihan stated that the demographic study would be interesting, since Mr. Thomasson is now turning towards first-time home-buyers as his potential customers instead of for retirees that it started out. Also, there are no existing homes in WoodCreek with only one bathroom. The residents of WoodCreek bought into the development based on what has already been approved and the styles of homes that are already there.

Commissioner Williams stated that she is not in favor of this new design. Mayor Niblett agreed. He said that the biggest concern, he felt, was that if PCS Homes took care of its' established residents, then they would take care of him, but that is not the case. He also said that the Town did approve a certain type of home to go in to WoodCreek, and we should stay with that plan.

Vice Mayor Houlihan stated that the consensus of the Council is unfavorable to this new plan. He did state that Mr. Thomasson left after his segment at Planning and Zoning and did not stay

for the Resident Comment section to hear the comments, all negative, from the WoodCreek residents.

Vice Mayor Houlihan concluded by stating that the next Planning and Zoning Commission meeting would be held on Thursday, July 23, 2009.

### ***New Business***

Mayor Niblett read from a report that was provided by Town Manager Bynum-King. He reported that the comments from the Elected Officials on the County's Draft of the Water Resources Element of the Comprehensive Plan are due back to Town Manager Bynum-King.

He also reported that Wicomico County is going to cut services and as a result street sweeping or leaf vacuuming will no longer be available to local municipalities.

He reminded the Elected Officials that beginning in the month of July, the individual meetings will not be held, and there will only be the Joint Council meeting at the end of the month. The auditors will be here next week, and he asked that the Office Staff be disturbed as little as possible. He also reminded everyone that the Maryland Municipal League Conference will be held next week in Ocean City, Maryland.

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

Mayor Niblett read from the report left by Town Manager Bynum-King. (The report in its entirety will be included with these minutes in the Minute Book).

### ***Council & Commission Comments***

Commissioner Williams reported that she has drawn up a letter asking the Delmar Chamber of Commerce to participate in the Centennial Parade along with being the announcers. She said that if the Chamber decides not to announce the Parade, she will then either ask the Fire Department or the Revitalization Committee for the use of their loudspeakers. She also said that she had spoken with Fire Chief Johnson about traffic control. Council Member Payne reported that the Fire Department would be participating in the Parade.

Council Member Pase reported that she had been told that there is a Mexican flag flying at the store located behind the Laundromat on Bi-State Blvd. Mayor Niblett stated that he will check on this.

Deputy Mayor Hitchens stated that there had not been a Utility meeting, so he will bring his concern to the Joint Council. He is asking for abatement on the utility bill for the American Legion. He said that he went and spoke with the Staff and did receive one, but when the bill came out, the \$62.00 abatement was put back on. Council Member Pase said that she would look into it first thing in the morning.

Council Member Payne stated that even though he is from the Delaware side of Town, he will be present for the Planning and Zoning Commission meeting for the discussion with Mark Thomasson. He also said that the skate park and basketball courts look really nice.

Council Member Thompson stated that he was late for the Utility Commission meeting, but he did show up, but not before the meeting was adjourned. He stated that the Town should move forward with the Tidewater issue and the Wastewater Treatment Plant.

***Public Comments***

Resident Jill Braungart stated that she has lived in townhouses before and currently resides on Executive Club Drive in WoodCreek. All the traffic for that development comes in and out of Executive Club Drive. She said that there are no sidewalks for kids to play on, people to walk or to be a buffer between the residents and the speeding cars. She is asking for some sort of solution. She is asking Delmar to consider installing permanent speed bumps on Executive Club Drive due to the dangerous speeding conditions and the high volume of traffic. She also asked that if Planning and Zoning accepts the proposed 110 townhouses, could the Town require PCS Homes to install these speed bumps. Mayor Niblett instructed Ms. Braungart to come to the next Joint Council meeting and be placed on the agenda so the situation could be discussed and possibly voted on.

Gary Tucker introduced himself and said that he is a Delmar High School graduate, but currently lives in Salisbury. He is with CARES and the ESBL (Eastern Shore Basketball League) will be celebrating it's 10<sup>th</sup> year and is the largest men's basketball league on the Eastern Shore and the Peninsula. He reported that the League consists 19 teams of various skill levels, from college (DelTech and SU), semi-pro, ex-college and ex-high super stars. He is asking to include Delmar in it's venue of Town's that they travel to and play. He also volunteered to assist Commissioner Williams on the ribbon cutting ceremonies of the Park and also assist in establishing a League in Delmar. Commissioner Williams said that she would like to speak with him after this meeting.

Developer Jamie Rostocki spoke of his parcel of approximately 131 acres zoned commercial, across from the racetrack, north of Town as possibly a venue for a casino. He spoke of Delmar, Delaware as being a retail Mecca due to it not having sales taxes. He wants to put a casino on the property if the Governor of Delaware will allow three (3) more casinos in the State. There will be a study of new venues and if it is feasible, then the State will allow it. The decisions have a deadline of October 15, 2009.

Mr. Rostocki reported that the word "casino" is nowhere in the Zoning Code. If the Town is agreeable to this concept, then they would have to move forward with including the word "casino" in the Zoning Code for the Highway Commercial District. He feels that this would be a great opportunity for Delmar and western Sussex County. He reminded everyone that even though the decision deadline is October 15, 2009, the review committee could start up any time if the Governor allows 3 more venues, and it would probably be on a first-come first-served basis. They would have to be shovel-ready and need to have the Town be behind the operation, to have favor with the review committee.

Mayor Niblett instructed him to come before the Planning and Zoning Commission. He also said that there were other changes that needed to be made in the Zoning Code.

Chris Walter asked about the new development going off of St. Georges Road. He said that it is 76 acres and will have 179 homes, which is less than ¼ acre per lot. He described this property

as being about 3 miles outside Town limits of Delmar. Vice Mayor Houlihan stated that he thought this area was within the Town's future growth plans. He also said that if this is already scheduled for a Public Hearing, then it's pretty much a done deal. Mayor Niblett stated that Administrative Assistant Conaway is currently composing a letter that indicates the Town of Delmar is opposed to this development so that Mr. Walter can hand deliver it at the meeting.

***Adjournment***

Council Member Payne moved to adjourn. There was a second to the motion which passed with 9 in favor and 1 absent

Cindy Fisher  
Clerk of Council