

Joint Council July 27, 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, Mayor Outten, Deputy Mayor Hitchens, Vice Mayor Houlihan, Commissioners Anderton, Hodgins, and Williams and Council Members Pase, Payne and Thompson, Town Manager Bynum-King and Clerk of Council Fisher. Guests: Eleanor Kaul, Jill Braungart, and Howard Dickerson.

Called to Order

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

Mayors Comments

Delmar Sesquicentennial Proclamation

Mayor Niblett read the Sesquicentennial Proclamation. Commissioner Anderton made a motion to accept the Sesquicentennial Proclamation. Commissioner Hodgins seconded the motion which passed with 5 ayes, and 0 absent.

Mayor Outten read the Delmar Sesquicentennial Proclamation. Council Member Pase made a motion to pass the Proclamation. The motion was seconded by Council Thompson and passed with 5 ayes and 0 absent.

Approval of Minutes

Council Member Pase made a motion for the approval of the June, 2009 minutes. Commissioner Hitchens seconded the motion which passed with 9 ayes, and 1 abstaining (Mayor Outten abstaining due to his absence last month.)

Parks and Recreation Report

Commissioner Williams reported that the ribbon cutting ceremony for the basketball court and skate park took place on July 13, 2009 which had some media coverage. She stated that there is now someone to monitor the parks for four to five hours a night seven days a week, with the gate being locked at sundown. If there are any major problems, they are to contact the police, but so far there have not been any major problems.

She said that she had received a report that the individual monitoring the basketball courts had just been sitting inside a truck during a lighting storm. There was discussion about instructing the Park Monitors park safety during a thunderstorm or when it is lightening. Town Manager Bynum-King stated that she would ensure that the Park Monitors received instructions on what to do during a thunderstorm and when it is lightening

Town Manager Bynum-King reported that the Town has also hired an individual to run the summer program in State Street Park. She said that through donations, he was able to purchase

some games and activities for the youth. Commissioner Williams did report that a representative from Wicomico County Parks and Rec. did say that Delmar could borrow some equipment for the State Street Park summer program. Town Manager Bynum-King said that this is the first year that the Town has funded this program any information shared to structure the program would be appreciated.

Police Chief's Report

Mayor Outten read the Police Chief's Report that was included within the mail packets.

Delmar Revitalization Report

Mr. Chris Walter reported that their last meeting was held on July 16, 2009. He spoke of the Sesquicentennial Celebration and all of the activities that will be held.

He reported that on July 18, 2009, they painted the Watchmen's Station and planted flowers along with cleaning up around the caboose. He said that the fence around the guard station does not go all the way down and that there is a lot of foot traffic around the caboose. If possible, he would like to see the fence extended.

He also reported that the estimates for the museum are completed and they will be made available to the Council by the next meeting. He said that he has received some suggestions for the museum layout and also some recommendations for the name. Town Manager Bynum-King said that the museum was already named by the original Downtown Revitalization Committee, which included Dr. Ernest Larmore; the "Delmar Heritage Center".

Mr. Walter also reported that the Committee has discussed benches for the downtown area again. He said that there are two groups, along with two businesses who want to buy benches. He said that the benches would look like the ones at the High School, with the same colors and would be bolted into the sidewalk. He stated that they are also discussed installing permanent picnic table along the park side with trash cans.

He and Town Manager Bynum-King discussed the completion of the streetscaping project. He asked if a punch list had been completed. Town Manager Bynum-King responded that one has not been completed since they were still waiting for the installation of the street lights. He said that he has received a lot of complaints on the small pieces of brick pavers installed.

Mr. Walter complained about the lack of building permits being issued for the downtown area. He said that he has already spoken with the Code Enforcement Officer about this situation. There are building improvements going on in the downtown area and he does not see any building permits being displayed. Town Manager Bynum-King stated that this was a matter of discussion before and when it was checked into, the property owners did in fact have building permits. She asked when he had this conversation with the CEO. Mr. Walter responded that it was a few weeks ago and that the CEO informed him that he was having trouble contacting the two property owners involved. Town Manager Bynum-King stated that she would follow-up with Code Enforcement Officer Bounds.

Mr. Walter also reported that the Town, the DRC, and downtown property owners had met with Delaware Main Street representatives, looking for ways to enhance the downtown area. He asked about the Lecates building and when something was going to happen with it. Town Manager Bynum-King responded that our Delaware Town Attorney is working with Mr. Chris Mills' attorney and the Elliott's attorney. She said that for whatever reason, the Elliott's attorney claim that the State might have some vested interest in the easement behind the property, which further delays Mr. Mills' progress.

Mr. Chris Walter concluded by informing everyone that their next meeting would be held on Thursday, August 20, 2009 at 7:00 p.m. at Town Hall.

Code Enforcement Officer's Report

Mayor Outten read the Code Enforcement Officers' report that was included within the mail packet.

Fire Department's Report

Chief Shawn Johnson reported that they have responded to 27 alarms this month. He asked if the Town has a PDF file for the fire hydrant locations. Town Manager Bynum-King responded that to her knowledge there was none. He said that they have secured a \$15,000.00 grant from the Wicomico Emergency Management Fund for computers to be put into the units so that they can get to any hydrant location the quickest and most direct way.

He also reported that they have smoke detectors available for anyone to pick up. He suggested that Code Enforcement Officer Bounds take some and when he notices, through his inspections, that homes do not have a smoke detector, to handle them out. He will give a case of smoke detectors to the Code Enforcement Officer then he can fill out the paperwork as to who he has given them to and turn it in to the fire department.

He also reported that some of the fire hydrants are covered with weeds and are hard to locate. He asked about the alleys in the Town and who is responsible for their maintenance. Town Manager Bynum-King stated that the property owners are responsible for them. He said that there are quite a few on the Maryland side that have really tall grass, low overhanging branches and stumps.

He concluded by saying the Sportsman Give-a-way will be held on November 7, 2009 and will be given away \$75,000.00 worth of prizes.

Utility Commission Reports

Council Member Pase reported that there had been some sewer line damage during the streetscaping project. The damage has been repaired and the Town is now seeking reimbursement for the overtime and damages. She also stated that tomorrow will be the first progress meeting for the BNR/ENR project.

She informed everyone that the water treatment facility is still in need of replacing 3 media filters and the estimate cost for each is \$43,986.00.

Public Works Reports

Vice Mayor Houlihan reported that they have been working on force accounts and that the grass cutting has been caught up. He reported that Schrock & Son has been doing some black top patches on Connelly Mill Road. He stated that there has been some discussion about installing a fence at Gordy Park so that individuals cannot pull their vehicles right next to the basketball courts.

He also reported that Yorkshire Estates is in foreclosure. One seal has failed at the Pine Street Lift Station. They now have 2 pumps in service and the third one is out being repaired.

Centennial Reports

Mayor Niblett reported that their next meeting will be held on Thursday, July 30, 2009. He said that there had been very few patron ads sold for the souvenir booklet. He asked each of the elected officials to give \$5.00 for their individual spot in the booklet.

He also reported that the Fire Department has expanded the Little Miss and Little Mister pageant to include a Miss Fire Prevention. They are working to get Miss Maryland and Miss Delaware to attend the pageants.

Mayor Niblett informed everyone that there have been some changes to the schedule of events for the Sesquicentennial Celebration. He said that there will be a car show on the 26th of September from 6:00 a.m. to noon and he is still working on having the local churches hold an ice cream social.

Planning and Zoning Commission Report

Vice Mayor Houlihan informed everyone that there had been a full house on Thursday night for the Planning and Zoning meeting. The majority of the audience was from WoodCreek in the anticipation of having a discussion with Mr. Mark Thomasson and his proposed changes to the townhouses. He had asked to be removed from the agenda and to have him placed on the August agenda.

Revised motion for Bryan Adkins Atlantic Bay Homes

Vice Mayor Houlihan reported that at the June Planning and Zoning meeting there had been an error on the date of a proposed home being built in Bridgewood Estates. This month the Commission had to correct that motion.

Commissioner Williams made a motion to accept the favorable recommendation to revise the address for Atlantic Bay Homes in care of Bryan Adkins for the plans for a single family residence at 9043 Newbridge Drive, Bridgewood Estates located in Delmar, MD., per the attached drawings. Deputy Mayor Hitchens seconded the motion which passed with 5 ayes and 0 absent.

Element- Doug Warner Whitetail Run- Extension Preliminary Plan

Vice Mayor Houlihan reported that Mr. Doug Warner, from Element, was present and asked for an extension for the Whitetail Run Subdivision. He stated that there have been some setbacks

with the water and sewer elements of the design. The Commissioner had granted him an 18 month extension.

Council Member Payne made a motion to accept the Planning and Zoning's recommendation for an extension of the preliminary plat approval for DWA Brittingham, LLC for the Whitetail Run Subdivision, Delmar, DE. with the plat dated November 30, 2007 until March 25, 2011, with the previous approval made on September 25, 2008. Council Member Thompson seconded the motion which passed with 5 ayes and 0 absent.

Element-Doug Warner- Delmar Grove- Extension for Preliminary Plan & Special Exception

Vice Mayor Houlihan reported that this is another subdivision that Mr. Doug Warner asked for an extension as well as an extension for the special exception for the use of apartments in the R-2 zoning district. He stated that the Commission also granted an 18 month extension for the plan and a favorable recommendation for Mr. Warner to proceed to the Delaware Board of Adjustments for the extension request for the special exception.

Council Member Thompson made a motion to accept the Planning and Zoning's recommendation to extend the preliminary plat approval for DWA Chesapeake, LLC. for the Delmar Grove Subdivision, Delmar, DE. plat dated October 3, 2008 until April 23, 2011, with the previous approval made on October 23, 2008. The motion was seconded by Council Member Payne and passed with 5 ayes and 0 absent.

Council Member Thompson made a motion to accept the Planning and Zoning's recommendation to the Delaware Board of Adjustments for the extension for the special exception for apartment use in the R-2 zoning district until April 23, 2011 for Delmar Grove, Delmar Delaware, plat dated October 3, 2008. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

First State Thrift Store- Sign Request

Vice Mayor Houlihan reported that Anna Cooper and Dean Adkins were present and asked for permission to hang a sign for the new business, First State Thrift Store, located on Pennsylvania Avenue. He said that they discussed the location of the sign and if they would be using the existing pole. The answer was yes.

Vice Mayor Houlihan made a motion to accept the Planning and Zoning's recommendation for approval for Anna Cooper and Dean Adkins for a sign approval for 18 N. Pennsylvania, Delmar, Delaware, per the attached drawing. Council Member Pase seconded the motion which passed with 5 ayes and 0 absent.

Bi-State Pharmacy- Don Trader- Sign Package Request

Vice Mayor Houlihan reported that Mr. Don Trader had presented a sign and window graphic package for Bi-State Pharmacy. There had been some discussion on the blade style signs and the reason was that those signs were not flush with the building. The Commission did approve the sign package without the blade signs.

Council Member Pase made a motion to accept Planning and Zoning's recommendation for Don Trader for the approval for the signs and graphics for Bi-State Pharmacy, located at 5 E. State Street, Delmar, Delaware, as per attached drawings. This motion is contingent that the Delaware Mayor and Council did not want the blade sign for the building. This motion does not include the blade signs. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

Delmar Sesquicentennial Committee- Banner Request

Vice Mayor Houlihan reported that Mayor Niblett and the Sesquicentennial Committee had asked to be allowed to hang banners for a longer period of time than the code allows. Commissioner Hodgins made a motion for the Sesquicentennial Committee to be allowed to hang their banners for the Celebration effective immediately (July 23, 2009) until September 28, 2009. The motion was seconded by Commissioner Williams which passed with 10 ayes and 0 absent.

Jamie Rostocki- "Casino" As An Allowable Use in Highway Commercial District

Vice Mayor Houlihan introduced Mr. Rostocki to allow him the opportunity to present his idea to the Council.

Mr. Rostocki stated that there is a possibility that the State of Delaware will allow additional locations for casinos. He thinks that Delmar would be an ideal location and that he would like the Town to consider his property as a site for the casino. His property is located across from the racetrack on Rt. 13 and is approximately 131 acres. He reported that his first stop was at the Planning and Zoning this past Thursday asking them to modify the wording in the Highway Commercial Zoning District to allow casinos as an allowable use.

Commissioner Anderton stated that maybe the Town could consider doing a designated "gaming district" that would be just for this particular property. In this way the word "casino" would not be in the zoning code that could potentially allow others to consider casinos in their development plans.

There was some discussion on holding public meetings to see how the residents of Delmar would feel about having a casino in their Town. Council Member Thompson stated that he is in favor of the casino but wanted the input from the Delmar residents.

Town Manager Bynum-King suggested that maybe the Town should assess what they want to be in the Town and not necessarily take what is brought to them by developers. She said that while public hearings are a start, the elected officials should have a clear perspective for what they want in their Town.

Vice Mayor Houlihan concluded by saying the next Planning and Zoning meeting will be held on Thursday, August 27, 2009.

Unfinished Business

Mayor Niblett read a letter from the Maryland Department of the Environment informing the Town that they had been approved for an ARRA project grant at its' July 22, 2009 meeting. He said that the Department would like to thank Town Manager Bynum-King and Municipal Clerk

Layton for their dedicated work in their commitment in maintaining clean drinking water. He said that the conditions of the grant is a cash draw request form and the central contract information. The draw request was for 2 million dollars.

New Business

Jill Braungrat- WoodCreek speed bumps

Mrs. Braungrat reported that she was present this evening to ask for 2 permanent speed bumps for Executive Club Drive in WoodCreek. She said that this is the main drive for Salisbury shopping, and Rt. 13 access, for service vendors, golfers, and residents. She said that there not being any sidewalks, compounds the problem. She offered the Council 3 estimates to consider.

Resolution 2009-07-27 General Obligation Bond Funds

Town Manager Bynum-King gave an overview of the Resolution. The purpose of the Resolution was to revise and restate the original Bond for the WWTP upgrade project. She said that the Town of Delmar, in 2001, did receive a General Obligation Bond of \$1,293,250.00 from the State of Delaware for the WWTP upgrade. The term of this bond started in 2001 and was scheduled to mature 20 years later. The project has just now started to get underway. In an effort to allow the Town the ability to maintain the full term of the Loan, without having to pay accelerated payments to become current they were considerate enough to grant us approval to amend their original agreement to commence in July of 2009 and mature in 2030.

Mayor Outten read Resolution 2009-07-27. Vice Mayor Houlihan made a motion to accept Resolution 2009-07-27. Council Member Pase seconded the motion which passed with 5 ayes and 0 absent.

Maryland Ordinance 710-Acquisition and Purchase of The Bank of Delmarva

Town Attorney Benson stated that this is the first reading of Ordinance 710, which will allow Delmar, Maryland to acquire and purchase The Bank of Delmarva. If this passes on first reading there will be a public hearing scheduled in August. The contract is attached to the Ordinance, and while there are a few things that need to be worked out, the price and date of purchase has been agreed upon. Once passed, this Ordinance will allow the Town to purchase the Bank of Delmarva and all the property and the generator located at the back of the building.

There was some conversation between Commissioner Hodgins and Town Attorney Benson. She asked if only the Maryland side would own the building. Town Attorney Benson said that this contract is in the name of Delmar, Maryland. Both sides of Town can work out whatever arrangement they want in reference to this property.

Commissioner Hodgins made a motion to accept the first reading of Ordinance 710. Commissioner Williams seconded the motion which passed with 5 ayes and 0 absent.

Town Manager's Report

Town Manager Bynum-King reported that the State of Delaware has experienced some budget cuts. She stated that she has received notification that due to reduced revenues, there will not be additional street funding available from the State of Delaware. That means decreased revenue of approximately \$43,000.00 for the Town of Delmar, Delaware Highways and Street budget line

item. She stated that as a result of this notice she will have to work with Public Works Directors to make major adjustments to the budget expenditures that fall under that line item.

Town Manager Bynum-King reported that representatives from the National Mainstreet program met with Town Officials, downtown business owners and property owners. They are asking the Town to consider becoming a member of the National Mainstreet Community. While this will be a great opportunity for Delmar, financially we cannot afford to do at this time.

Town Manager Bynum-King reported that the Town has hired two individuals to monitor the skate park and basketball courts and one individual for the summer program at State Street Park. These individuals are being paid from Town revenues. The Parks and Recreation Department is paying for the individual on Saturday and Sunday.

She stated that Jack Lennox sent a thank-you note of appreciation to the Town for acknowledging his deceased wife, Sam, at the dedication of the Skate Park and basketball courts for her efforts in assisting with the success of the park upgrade projects.

Council & Commission Comments

Commissioner Williams stated that she has spoken with a representative from Wicomico County Parks and Rec. about borrowing some equipment for the summer program. He is offering to sell the Town some of the equipment. She said that she would get prices and a list of the items for sale and present them to the Council for their consideration.

Public Comments

Resident Howard Dickerson asked about the purchase price of the Bank of Delmarva. Mayor Niblett stated that the purchase of the Bank is \$325,000.00 and the price of the generator is \$50,000.00, for the total of \$375,000.00.

Resident Howard Dickerson stated that he is against a casino coming to Delmar. He said that it does not fit in the “family image” of Delmar. He said that these developers do come in and get what they want and then they flip the property and the Town has no idea who will have the property or what will be happening on the property. He thinks this casino idea should not even be considered.

Resident Wayne Mitchell commented that the streetscape project is beautiful. He thinks that the trees around the railroad tracks should be trimmed. He said that the railroad crossing is a lot better on the vehicles crossing it. He said that he has been driving in Delmar since 1956 and for the first time he almost ran the new stop sign at the corner of Grove Street and Pennsylvania Avenue.

He stopped by State Street Park and spoke with Chris Bosies and talked about the games that he does have, but it certainly is not sufficient. He suggested that the Town get in contact with Wicomico County for more equipment and games for the kids. He suggested maybe putting a larger sign in the Park informing everyone that the summer program is taking place.

Adjournment

Council Member Pase moved to adjourn. There was a second to the motion which passed with 10 in favor and 0 absent.

Cindy Fisher
Clerk of Council