

Joint Council September 28, 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, Vice Mayor Houlihan, Commissioners Anderton, Hodgins, and Williams and Council Members Pase, Payne and Thompson and Clerk of Council Fisher. Absent: Town Manager Bynum-King and Deputy Mayor Hitchens. Guests: Sandy Scott, Howard Dickerson, Mike McClure.

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

Mayor Outten thanked everyone for their attendance at the Sesquicentennial Celebration and to all the volunteers that helped make it happen. He also thanked resident Howard Dickerson and Laurel Star Reporter and Delmar resident Mike McClure for their coverage of the events.

Mayor Outten reported that he has met with Mr. Tom Luffman with the Wicomico County Board of Education in reference to them considering redistricting the school districts. They also spoke with Dr. Ring (Superintendent of the Delmar, Delaware School District) and will have a meeting with Dr. Fredericksen (Superintendent of the Wicomico County School District) this week. Mayor Outten said that he knows schools are overcrowded, but they should be able to build another school here or add on to the ones we already have.

Approval of Minutes

Commissioner Hodgins noted that on page 3 of the August, 2009 minutes that the word "and" should be changed to "in". Commissioner Hodgins made a motion to approve the amended August, 2009 Joint Council minutes. Council Member Pase seconded the motion which passed with 8 ayes and 2 absent. (Council Member Payne arrived after the vote)

Parks and Recreation Report

Commissioner Williams reported that with all the preparation needed for the Sesquicentennial, Parks and Rec. did not hold a meeting. She did state that there had been 3 bids received for a new restroom facility and water fountain for the skateboard and basketball court areas.

Police Chief's Report

Mayor Outten read the Police Chief's report that was included within the mail packet.

Delmar Revitalization Report

Chairman Chris Walter reported that they had held a meeting on September, 17, 2009 in which museum funding was discussed. He said that during the Sesquicentennial Celebration, 135

people signed in at the museum and he said that was a good showing especially since he knows that not everyone who visited signed the guest book.

Chairman Walter discussed the cost estimate for the museum that he included within his packet to the elected officials. He said that the figures are based on State wages, which are generally higher than non-state hired jobs and which is one of the reasons that the estimate is high. He said that there are things that could be cut from the estimate, such as the cost to have geothermal energy.

Mayor Niblett thanked him for overseeing and taking charge of the museum as well as the caboose.

Code Enforcement Officer's Report

Mayor Outten read the report that was included within the mail packets.

Fire Department's Report

Council Member Payne reported that he is now receiving a text from Chief Johnson, who is out of Town. Chief is reporting that he needs to know if the fire hydrants on Rt. 54, at the new development on the Maryland side, are in service. If they are not, then they need to be marked. If they are, then the weeds need to be cleaned out so it can be accessed.

Utility Commission Reports

Council Member Pase reported that their meeting had been brief. They had discussed the replacement and installation of the media filters. There was some disparity between the two estimates that they had received. It will be revisited next month. She also reported that the BNR Project is going smoothly. She also said that it is rare to have a project this large with so much funding sources to run so smoothly.

Public Works Reports

Vice Mayor Houlihan said that they did have a meeting even though Deputy Mayor Hitchens was absent. He reported that there have been a lot of water leaks on both sides of Town. They have been quite busy with the Sesquicentennial Celebration. They are still working on the sewer repair at Thirsty's. He reported that the upgrade to the WWTP is going well.

Vice Mayor Houlihan spoke of the shrubbery in front of Town Hall and that maybe the Public Works Department will be able to enhance that area. They were thinking of maybe making it a community project. Mayor Niblett said that before they start the project in front of Town Hall, he would like them to go to Memorial Drive and do that work that he has been asking them to do for about 6 months.

Centennial Reports

Mayor Niblett thanked everyone at Town Hall as well as the other departments for their work in making the Sesquicentennial Celebration the success that it was. He also thanked Council Member Thompson and his father-in-law for the use of their carts that were used for the Historic Tour and on Saturday to carry people from one event to another. He commented on how well the band did at the Block Party.

Mayor Niblett reported that there had been some discussion on having some sort of Celebration every year, maybe for just one day.

Mayor Niblett thanked everyone who helped in any way with the Celebration and that they are now compiling pictures for future reference.

Planning and Zoning Commission Report

Vice Mayor Houlihan reported that they had quite a few things on the agenda for September.

Public Input Hearing- Maryland Comprehensive Plan

Vice Mayor Houlihan reported that Tim Bourcier from DB&F had been present for the input hearing. There were no resident comments. They made a positive recommendation for the Mayor and Commissioners to accept the 2009 Maryland Comprehensive Plan as submitted by DB&F.

Ronald Tarlaian- Bridgewood Estates- Open Space

Vice Mayor Houlihan reported that Mr. Tarlaian had called and requested, due to health reasons, to move this item to the October agenda.

Sportsmans Liquidation- Sign Approval

Vice Mayor Houlihan stated that this will be a new business at the State Line Plaza in Delmar, Delaware and will be located where the mattress store was located. This store will not be selling guns but will sell name brand clothing along with name brand sporting equipment and will open on October 3, 2009.

He reported that they asked for a sign on the pylon out front of the plaza as well as one on the building. Both signs fit in with what is already there and meets code requirements.

Council Member Pase made a motion to approve the recommendation of the Planning and Zoning Commission for the signage package for Sportsmans Liquidation, located in the State Line Plaza, Delmar, Delaware, per the attached drawing. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

Mark Thomasson- Holiday Inn Express- Lighting Approval

Vice Mayor Houlihan reported that Mr. Mark Thomasson was present with a nationwide lighting change with up and down lighting for Holiday Inn Express. The lights would be white and would not affect residents since the Inn sits on the highway.

Commissioner Williams made a motion to accept the recommendation from Planning and Zoning for the approval of the lighting package for Holiday Inn Express, located in Delmar, Maryland. Commissioner Anderton seconded the motion which passed with 4 ayes and 1 absent.

Steve Fuller and Jim Thomasson- Wood Creek- New Home Style

Vice Mayor Houlihan reported that both Steve Fuller from Fuller, Hall and Associates and Jim Thomasson, President of PCS Homes, were present for this agenda item. Mr. Fuller explained that they now wanted a different style of single family home on the section of the development that is zoned for townhouses. The Commission was not happy with this style of home due to the small size of the houses and the closeness of the homes. They would have to get a variance for the size of the parcels. The smallest lot is 3,600 sq. ft.

Vice Mayor Houlihan reported that there had been a lot of discussion with Mr. Thomasson about the unhappiness of the residents of WoodCreek. He also said that there had been a resident of WoodCreek at the meeting and she expressed her unhappiness with PCS Homes. They had not presented this idea to the residents of the community and that is something that the Commission suggested he do. They will want to have the community's input on this new housing style proposal. Vice Mayor Houlihan said that he told Mr. Thomasson that he personally needed to attend that input meeting, so that he personally can address all the issues at WoodCreek.

Council Member Payne stated that the Fire Department would not allow the houses to be that close.

Vice Mayor Houlihan stated that he wanted to read from the plat to put it on the record. It read: "Note: Developer requests the option to construct town homes or single family homes based on market demands. Construction of the different types of dwellings will comply with applicable setbacks and granted variances". He did report that Mr. Fuller officially withdrew his plans that evening.

Vice Mayor Houlihan concluded by stating that next month's meeting has been moved up due to scheduling conflicts. The next meeting will be held on Thursday, October 15, 2009.

Unfinished Business

Resolution 2009-09-28- Adoption of the Maryland Comprehensive Plan

Mayor Niblett read Resolution 2009-09-28 for the adoption of the Maryland Comprehensive Plan which was done by DB&F and is mandated by the State of Maryland. Commissioner Williams made a motion to adopt Resolution 2009-09-28. Commissioner Anderton seconded the motion which passed with 4 ayes and 1 absent.

Resident Input Hearing- Proposed Casino in Delmar, Delaware

Mayor Outten read from the report that was provided by Town Manager Bynum-King in reference to the Public Input Hearing for the proposed casino in Delmar, Delaware. He said that at the hearing, 41 people signed in with 18 people formally expressing their opinion. Of those 18 people, 6 were in favor of a casino, 10 were opposed and 2 were undecided. There was a hand count that showed 58 people in attendance with 27 people in favor of the casino, 25 were opposed, and 6 were undecided. There also were 5 written comments that were all opposed to casinos. The grand total count was 27 were in favor, 30 were opposed, and 6 were undecided.

Commissioner Hodgins suggested that there be a referendum on this to let the residents vote since the count was so close.

Mayor Outten suggested another public hearing would be better to get a feel for what the majority of the residents want. He said that maybe a month from now would be good. There was some discussion on where the meeting would be held and how it would be advertised. A mass mailing was discussed so the residents could mark their opinions down and mail them back by a certain time. The Commission decided that the resident input meeting should be held at the fire hall on Wednesday, October 21, 2009 at 7:00 p.m.

Mayor Outten read from the Town Manager's Report that as a follow-up to the glass window replacement at Bi-State Pharmacy, the property owner was sent a letter on September 8, 2009 and had been given until October 12, 2009 to have the windows replaced.

New Business

MPO Traffic Study

Mayor Niblett read from the report that was provided by Town Manager Bynum-King. He reviewed the roads in Delmar that will be affected and the projections through the year 2030. A traffic impact study was performed on the US 13 North Corridor. This study shows the traffic impact on US 13 & Connelly Mill Rd., US 13 & Foskey Lane, US13 & Route 54, Bi-State Blvd. & Rt. 54, Bi-State Blvd. & Foskey Lane and Bi-State Blvd. & Connelly Mill Rd. (A copy of the report will be attached to these minutes).

Traffic Study- E. Chestnut Street and 4th Street

Mayor Outten read from the report that was provided by Town Manager Bynum-King in reference to a traffic study done by the Delmar Police Department. The Chief recommended that a stop sign should be installed at the intersection of E. Chestnut Street and 4th Street. (A copy of the study will be attached to these minutes.)

Mayor Niblett commented that before the Town installs another stop sign, he feels that the speed limit sign should either be moved further along Chestnut Street, since it is only posted on the first block, or another speed limit sign be installed. If the speed of the vehicles is lowered because now they know what the limit is, there might not be a need for a stop sign at the intersection. Commissioner Anderton suggested that this be discussed with the Police Chief at the Police Commission meeting.

Resolution 2009-09-01- MD Debt Management Policy

Mayor Niblett read Resolution 2009-09-041 establishing a debt management policy to improve the quality of financial decisions, provide justification for the structure debt issuance, identify goals, and demonstrate a commitment to long-term financial planning, which is mandated by the State of Maryland. Commissioner Hodgins made a motion to adopt Resolution 2009-09-01. Commissioner Williams seconded the motion which passed with 4 ayes and 1 absent.

Town Manager's Report

Mayor Outten read from the report that was provided by Town Manager Bynum-King.

He read that on October 6, 2009, weather permitting, Sussex Tree, Inc. will be in State Street Park removing 3 dead trees and pruning others. The Town had been awarded a 2009 Tree

Management Grant from the Delaware Forest Services and Delaware Urban & Community Forestry Council for this project.

The Delaware League of Local Government announced at its League meeting that Governor Markell has named Mr. Greg Patterson as the Liaison between the Governors Office and the Delaware League.

The League also reported that a letter was received from the Secretary of Transportation indicating that \$5 million has been programmed into the 2011 Budget for Municipal Street Aid.

Mayor Outten also read that notification has been received from the MD and DE Solid Waste Association that there will be a 40 to 70 percent increase in the per ton of trash at the landfills in New Castle, Kent and Sussex County.

Council & Commission Comments

Commissioner Williams thanked everyone who helped her with the Sesquicentennial Parade.

Commissioner Hodgins stated that she actually watched the fireworks from her home and that she would like to do a celebration again next year.

Commissioner Anderton agreed. He said that maybe they can plan for something for the Fourth of July with fireworks, especially since Salisbury does not have them anymore.

Mayor Outten responded that he has had a conversation with the company representatives that did ours for the Celebration, and they said that there would be a minimum of \$10,000.00 to have them for the Fourth of July. He suggested that instead of competing with other Towns for the Fourth of July; why not have them at the annual Heritage Day Celebration.

Mayor Niblett thanked Commissioner Williams for all the work she did on the parade. He also spoke of the possibility of having additional parking for the State Street Park. There was some discussion on maybe moving the sidewalk in about 3 feet.

Council Member Payne thanked both the Mayors for all their hard work with the Celebration. He said that everyone put in a great effort and it was a fantastic celebration.

Council Member Pase thanked both Mayors and everyone who lent a helpful hand, especially the children who did an excellent job.

Council Member Thompson thanked both Mayors for all their hard work for the Celebration. He also congratulated Clerk of Council Fisher on her scholarship for Municipal Clerks Training.

Vice Mayor Houlihan also thanked both Mayors for all their hard work and dedication in making the Celebration as successful as it was. He also thanked everyone for all the behind-the-scenes-work that was done to make the Celebration a success.

Mayor Outten congratulated Clerk of Council Fisher of her scholarship. He also said that Assistant Municipal Clerk Heather Chandler is coming up on her first year anniversary with the Town. He thanked Mayor Niblett and everyone at Town Hall for all the behind-the-scenes help before, during and after the celebration.

Public Comments

A Delmar resident stated that he agreed with putting up the stop sign on Chestnut Street. In reference to the proposed casino, he stated that he is for it if the developer pays for all the growth issues the Town would incur because of it. He said that he would not feel comfortable if it were to go to referendum.

Delmar resident, Sandy Scott, Assistant Director of the Delmar Library reported that the Library did hold an Open House during the Sesquicentennial Celebration and it was a success. She said anything that the Town would like to keep from the Celebration could be sent over to the Library and they can keep it in their Delmar Room.

Mayor Niblett said that the Delmar Greater Chamber of Commerce will be doing a time capsule later this year. They have already purchased a vault. He also said that the Sesquicentennial Committee would meet again to see the feasibility of having another celebration next year.

Adjournment

Mayor Niblett moved to adjourn. There was a second to the motion which passed with 9 in favor and 1 absent.

Submitted

Cindy Fisher
Clerk of Council