

MAYOR & COUNCIL
Special Meeting
October 12, 2009

Mayor Outten called a special 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: Jamie Rostocki, Howard Dickerson, and John McGuire

Mayor's Comments

The Council performed the Pledge of Allegiance.

Unfinished Business

Tidewater Agreement Draft

Town Manager Bynum-King reported that she has handed out copies of the draft Tidewater Agreement with the Town for a temporary utilities connection. She said that this is for informational purposes and will not be discussed this evening, but will be discussed at the Utility Commission and the Joint Council at the end of the month.

Proposed Zoning Change Workshop

Town Manager Bynum-King stated that the purpose of this workshop is to discuss the most effective methods in which the Town can achieve significant community input regarding a proposed zoning code change. She expressed that she felt the best way to get community input is to mail the taxpayers a survey. To assist them in deciding who should get the surveys, Town Manager Bynum-King recommended that the Council think about who is the audience they are trying to reach. In order to accomplish this we needed to stay focused on the issue at hand which is that the Town has been approached by a Developer to amend the zoning code to include the word "Casino" in the Regional Highway zoning classification. The Council is faced with the challenge of deciding if they should amend the zoning code to include the word "Casino". Town Mgr. Bynum-King suggested that there are several options the Council could consider 1) not to amend the zoning code 2) Include the word "Casino" as a special exception, not an inherent use 3) allow by special exception with special conditions 3) the Developer could be mandated to complete a impact study on all services 4) the Town could impose a Community Assessment Fee. If a Community Impact fee is assessed to the Developer, the Town should be the ones to contact the entities, such as; the fire dept., police dept., library, and school systems to determine what the overall impact will be on their services. Developers should not be making private deals with individual entities.

The Council discussed various ways to contact the Community. Mayor Outten stated he would be interested in knowing if the residents of Delmar, Delaware want a casino in their Town and a survey sounded like the best way to get input. He said that in this way, the questions could be very specific and they can narrow down the resident's feelings on a casino as to whether or not they are in favor of it. He reported that he has already spoken with the Town of Harrington's Chief of Police, and he has nothing bad to say about the casino in Harrington. It is not within the Town limits of Harrington, but his department would be the first responder in the event of an emergency situation. He said that the casino has its' own security that takes care of any problems that may arise. Since entry is age restricted, there are no teenagers hanging out there.

Town Manager Bynum-King reported that if the Council decides to amend the zoning code to include the word "Casino", they are still going to get public input because anytime there is a change to an ordinance you must first have a Public Hearing. Another item the Council will need to consider is the additional terms and conditions a developer would have to meet before receiving final approval. She said those matters could be addressed in the proposal to amend the zoning code.

Council Member Pase asked Jaimie Rostocki if there were other locations that he might be interested in that were not in Town limits. He reported that he does have other locations to consider at this time. Mayor Outten said that if the proposed Casino was located outside the Town limits we would still have the issues with being the first responder, in addition to traffic issues.

Town Manager Bynum-King stated that earlier discussions regarding this matter it was mentioned that the rezoning could be done as a special exception for the proposed site only. There was discussion about maybe creating a different zoning code, or a restricted zone.

Vice Mayor Houlihan reported that he agrees with Mayor Outten in that a survey seems to be the way to go. He said that the Town has records of all the property owners in Delmar, Delaware and it should be easy enough to obtain that information for the mailing. Vice Mayor Houlihan said that within the survey the term "Special Exception" should be defined in layman's term, so that everyone will have a clear understanding of what it means. The survey as a whole should be short and to the point.

Town Manager Bynum-King said that the survey will focus on the proposed Zoning Code Amendment to allow the word "Casino" as a Special Exception in the Highway Regional zoning classification. The survey would have a return date by October 30, 2009. Town Mgr. King suggested that we include with the survey a self address stamped envelope so that the surveys could be returned on time.

There was discussion among the Mayor and Council regarding the cost of mailing the surveys with a self addressed stamped return envelope. It was the consensus of the Council to have the Town Mgr make an assessment and if necessary they were willing to hand deliver the survey to the Delaware residents to cut cost.

Council Member Thompson made a motion to proceed with the survey mailing to all the Delaware taxpayers that reside in the corporate Town limits of Delmar, Delaware. The motion was seconded by Council Member Payne. The motion passed with 5 ayes and 0 absent.

Town Manager Bynum-King reported that she needed an Executive Session for a personnel matter that was strictly a Delaware issue.

Resident Comments

Resident Dickerson asked if the public hearing that was discussed at another meeting for October 21, 2009 had been cancelled. The response was yes, it has been cancelled because they decided the surveys would be more effective. He stated that if the Town only granted the parcel of land that was associated with Mr. Rostocki a zoning classification that would specifically allow a Casino, it would appear that they were providing a favor to him over another developer that might want to do the same thing somewhere else in Town. He asked the Council Members why they are granting Mr. Rostocki a special favor by only considering his property for a casino. The Council's response was that they had

not considered it as a special favor and had not thought about it in that way. Designating the parcel of land in a zoning class by itself was a part of previous discussions to attempt to isolate that type of business from popping up all over town, not a means to provide special favor to Mr. Rostocki.

Adjournment

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

Re-adjournment

Upon returning from Executive Session, Council Member Payne motioned to adjourn for the evening. The motion was seconded and passed with 5 ayes and 0 absent.

Submitted,

Clerk of Council Fisher