

Joint Council January 25, 2010

The regularly scheduled Joint Council meeting, comprised of the Mayor & Council of Delmar, DE and the Mayor & Commissioners 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, Henderson, Wells and Council Members Pase, Payne, Thompson, Town Manager Bynum-King and Clerk of Council Fisher. Guests: Pam Schell, Bob Benson, Dr. David Ring, Thomas Luffman, and C. W. Clayton.

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 Niblett administered the Oath of Office for the appointments of Dr. David Ring and Thomas Luffman to the Planning and Zoning Commission.

Mayor Outten asked for a motion to appoint Council Member Payne to the Police Commission. Council Member Pase made a motion to appoint Council Member Payne to the Police Commission. The motion was seconded by Council Member Thompson and passed with 5 ayes and 0 absent.

Approval of Minutes

Mayor Niblett made a motion to approve the December Joint Council minutes as circulated. Deputy Mayor Hitchens seconded the motion which passed with 9 ayes and Council Member Thompson abstaining due to his absence last month.

Parks and Recreation Report

Commissioner Wells reported that there was not a meeting this month.

Police Chief's Report

Mayor Outten reviewed the Police Chief's report that was included within the mail packets.

Delmar Revitalization Report

Delmar Revitalization President Chris Walter apologized that he was not at last month's meeting. He reported that one issue that was discussed was the need for volunteers to work on the interior of the caboose sometime around the end of March and the beginning of April.

President Walter spoke of a Museum Fund being set up at the Bank. He said that there are funds from the Historical Society that they are willing to donate to the Museum Fund. He asked Town Manager Bynum-King about setting up a separate account at the Bank. Town Manager Bynum-

King asked him to have his treasurer contact Municipal Clerk Layton in reference to setting up an account. She said the account should be set up in the same manner as the Parks and Recreation Council.

He also reported that he had met with Mr. Rick Ferrell, a representative with the Downtown Mainstreet Program. Community Development Coordinator Hardin has all that information if anyone is interested. He said that Mr. Ferrell did have some good recommendations for the best use of some of the buildings in our Downtown area.

He concluded by reporting that their next meeting would be held on Wednesday, February 17, 2010 and that it would be good to have the Town representatives in attendance.

Code Enforcement Officer's Report

Mayor Outten reviewed the report that was included in the mail packets.

Fire Department's Report

Council Member Payne reported that the Fire Department has had 88 ambulance calls so far this year, along with 21 fire calls.

Utility Commission Reports

Council Member Pase reported that the Town has been assessed a penalty from Maryland Department of the Environment (MDE) for noncompliance violations. The Facility has received a new permit rating based on the BNR/ENR Upgrade, which has not been completed and the revised rating is a factor for the facility being noncompliant. She said that the MDE has permit limitations to allow some grace during the construction process. The Town Manager is working with the Engineer and Staff to make sure that the Town can meet the terms and conditions cited in the Consent Order. The penalty will be due when the Attorney General's office sign off on the Consent Order.

She also reported that there had been a water main break on Maryland Avenue and East Street which has been repaired. The BNR Project is moving along smoothly and the Media Filters project is underway and being installed, one filter at a time.

Public Works Reports

Vice Mayor Houlihan reported that one pump at the Holly Oak Pump Station went down, due to debris getting caught inside. It has been repaired. The Public Works Staff is trying to keep up with cleaning out the storm drains due to the heavy rains. They will be starting to paint the picnic tables and trash bins at the park in anticipation of warmer weather and The Day in the Park.

Vice Mayor Houlihan reported that the Stop Sign has been installed on the corner of Chestnut and 4th Streets and the ditch on Walnut Street has been cleaned out. The lift stations are still being worked on at Heron Ponds and the force accounts dealing with trash removal are coming along. Maintenance on the mowers for the Spring and Summer seasons has begun.

Council Member Payne reported that the lettering on the sign at State Street Park with the flag poles has been painted over with black paint.

Planning and Zoning Commission Report

Vice Mayor Houlihan reported the following:

Dr. Chandrasekhara/Parker & Assoc.- Proposed 10 Unit Shopping Center

Vice Mayor Houlihan reported that Dr. Chandra came back this month for his proposed shopping center located on the north end of Sleepy's. The new plan shows that he added Stop Signs at the egress and ingress areas and that he also removed the Crepe Myrtles and replaced them with rose shrubs for better visibility on the north side. Dr. Chandra only provided one copy of the elevation plans and those had been delivered to the Commission Members about one hour prior to the meeting.

When asked about the color scheme of the building, since no color renditions were provided, Dr. Chandra reported that he had not decided. The Planning and Zoning Commission members were not happy with this and wanted more information on the color scheme of the building before they gave their approval. The Planning and Zoning Commission asked Dr. Chandra to return in February with a color rendering of his proposal along with lighting plans for the building so the Zoning Members could have a visual on his proposal.

Vice Mayor Houlihan reported that Dr. Chandra does have one interested party for one of the units, but he would not reveal who it was. He is still trying to maintain the building as a professional building, but it would depend on how much interest is shown and by whom.

Lou Alberti- House Plans- Hastings Property

Vice Mayor Houlihan reported that Mr. Alberti had presented his plans for the house for the State Street and N. Maryland Avenue property which will face State Street. He explained that the Hastings Property is one that has been subdivided into 3 lots. There is an existing house on Lot # 1, which is a two-story home. The new house plan for Lot # 2 is also a two-story home that will face State Street and will be lined up as the existing house is to the street. Planning and Zoning was in favor of this house plan. Mr. Alberti also knows that he will have to go before the Delaware Board of Adjustments for the variance in the front setback.

Council Member Thompson made a motion to accept Planning and Zoning's favorable recommendation for the approval of the house plan for Mr. Lou Alberti, for Lot # 2 designated as on the corner of State Street and N. Maryland Avenue Delmar, DE, as per attachment # 1 that was provided. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

Council Member Pase made a motion to accept the Planning and Zoning's favorable recommendation to the Delaware Board of Adjustments for a variance for the front setback for Mr. Lou Alberti for Lot # 2 house plans submitted on the corner of State Street and N. Maryland

Avenue., Delmar, DE. per attachment # 1. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

Vice Mayor Houlihan reported that Mr. Alberti will be on the February Planning and Zoning Agenda for Lot # 3 of the Hastings Property. Planning and Zoning had asked him for dormers and a masonry front stoop.

Full House Poker- C.W. Clayton- Sign Approval

Vice Mayor Houlihan reported that a sign package was presented to the Planning and Zoning Members. The sign would be white with black lettering and will hang over the front of the building. He also reviewed with the Council Members what Mr. Clayton had intended to be placed on the glass doors. There were two window sign renderings offered and the Commission chose one.

Council Member Payne made a motion to accept the Planning and Zoning's favorable recommendation for sign approval for Full House Poker Parlor, Inc., located in the State Line Plaza, Unit 2, Delmar, DE., for the building sign per the submittal and the window sign located on the left of the drawing attachment # 1. Council Member Thompson seconded the motion which passed with 5 ayes and 0 absent.

Zoning Code- Ordinance 156- Casinos

Vice Mayor Houlihan reported that the Planning and Zoning Commission inserted the word "only" in the Ordinance, so as to have some control over where casinos might consider locating.

Chris Walter- Pennsylvania Ave.- Salvage Company

Chris Walter stated that he now has an empty building on Pennsylvania Avenue and while it is being advertised for lease, he is proposing to operate an architectural salvage company, on a temporary basis. This would be a temporary fill-in to keep something in the location until such time as it is rented. He said while it may not be the best use of the location, it will bring business to the downtown area. Everything will be housed inside the building. Any larger items could be brought in and removed from the back door, and not through Pennsylvania Avenue. He said that he would not be selling the same sort of merchandise as the Thrift Store.

Vice Mayor Houlihan reported that Planning and Zoning did not have a problem with Mr. Walter's proposal.

Council Member Pase made a motion for Chris Walter to run an architectural salvage business at his location on N. Pennsylvania Avenue, Delmar, DE. for a period of six months upon the issuance of a business license. The motion was seconded by Mayor Outten and passed with 5 ayes and 0 absent.

Vice Mayor Houlihan stated that he had received an email from Planning and Zoning Member Joy Slabaugh with her resignation from the Commission due to personal reasons. With the swearing in of the two members this evening, the Commission is back up to seven members.

Vice Mayor Houlihan concluded by stating the next Planning and Zoning Commission meeting would be held on Thursday, February 18, 2010.

New Business

Resolution 2010-01-25 2010 Census Partner Resolution

Mayor Niblett read Resolution 2010-01-25 which encourages the Town of Delmar, Maryland to participate in the 2010 Census. Commissioner Wells made a motion to approve Resolution 2010-01-25. Commissioner Anderton seconded the motion which passed with 5 ayes and 0 absent.

Mayor Outten read Resolution 2010-01-25 which encourages the Town of Delmar, Delaware to participate in the 2010 Census. Council Member Pase made a motion to approve Resolution 2010-01-25. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

Ordinance 156- Delaware- Amending Zoning Code to allow "Casinos"

Mayor Outten gave the First Reading of Ordinance 156- to allow casinos by special exception only in highway/regional zoning districts. Council Member Payne made a motion to accept the First Reading of Ordinance 156. Council Member Pase seconded the motion which passed with 5 ayes and 0 absent. Mayor Outten reported that the Public Hearing on this matter will be scheduled for Monday, February 22, 2010 at 7:00 p.m.

Ordinance 157- Reducing the number of Board of Adjustment Members

Mayor Outten gave the First Reading of Ordinance 157- to reduce the number of Board of Adjustment Members from five to three. Vice Mayor Houlihan made a motion to accept the First Reading of Ordinance 157. Council Member Pase seconded the motion which passed with 5 ayes and 0 absent. Mayor Outten reported that the Public Hearing on this matter will be scheduled for Monday, February 22, 2010 at 7:15 p.m.

The Mayor and Commissioners opted at this time not to amend their zoning code to mirror the Delaware Zoning Code. It was the consensus of the Maryland Commissioners to wait until the results of the Delmar, Delaware Public Hearing before making any changes to their code.

Town Manager's Report

Town Manager Bynum-King reported that the application for the light on Elizabeth Street requested by the Maryland Commission is being processed. She has conferred with Mr. Brittingham of the Lighting Commission, and he informed her that the light is consistent with what is already on the street.

Town Manager Bynum-King reported that WSFS Bank, the lien holder for the Yorkshire Estates Development on Stage Road in Delmar, Delaware, has made contact with her and advised that they would be assessing and maintaining the development. WSFS is not the owner of the Development, just the lien holder protecting their interest until permanent changes occur with the property.

Town Manager Bynum-King reviewed the 2011 budget workshop schedule with the Elected Officials. The first for both the Joint Council and the Utility Commission along with the Department heads will be Wednesday, February 24, 2010 at 6:30 p.m.

She reported that S.C.A.T. reservations are due by tomorrow if anyone is interested. It will be held in Bridgeville.

Town Manager Bynum-King requested an Executive Session after this meeting for personnel reasons.

Council & Commission Comments

Commissioner Wells expressed her concern over the Delmar Elementary School and how congested it is in the morning with parents dropping off their children on Second Street. She said that she witnessed a child almost get hit. She said that majority of parents are not following protocol when they drop off or pick up their children from school. She asked if the Town could ask for some assistance from the Board of Education. She said that even though the School is not in Town limits, there must be something the Town could do to help alleviate the problem. Mayor Niblett said that he would contact Wicomico County Sheriff Mike Lewis for some suggestions and assistance, along with Principal Nunzio and Delmar Police Chief Saylor. Some other suggestions were that maybe the Delmar Police could be out there to help with the traffic congestion or maybe the school custodians could place barricades across 2nd Street to eliminate any traffic flow during peak morning hours.

Commissioner Anderton reported that he had attended the Eastern Shore Municipalities Dinner and the reports were pretty gloomy. He reported that there are no highway user funds to be distributed to municipalities, since they are being used for other things. Other items that were discussed were ways for Towns to sustain themselves without raising property taxes. He said as he finds out more information, he will pass it along to the Joint Council.

Deputy Mayor Hitchens apologized for not attending the function at the Tabernacle. He had a death in the family.

Mayor Niblett also apologized for not attending the Tabernacle formal opening service, since he was out of state.

Council Member Thompson said that he was glad to be back and said that he enjoyed his vacation.

Council Member Payne welcomed Dr. Ring and Mr. Luffman to the Planning and Zoning Commission.

Council Member Pase also welcomed Dr. Ring and Mr. Luffman. She said that she noticed that the Hotel is up and running. She inquired if it has met all the required standards. Town Manager Bynum-King reported that the hotel has met all local, state and fire marshal requirements before the Certificate of Occupancy were issued. The hotel is operating in the traditional sense with no extended stay units. She mentioned that during the construction phase, she had the opportunity to

take a tour of a few rooms and the transformation was short of a miracle. She said that the owners are planning on having a ribbon cutting ceremony for their Grand Opening in the Spring. She said that the owners have expressed a willingness to give the Elected Officials a tour at any time before the Grand Opening.

Council Member Pase also said that she had noticed the Town had put out barricades when there was flooding due to heavy rains. She suggested that the residents remove leaves in the storm drains and that would help lessen the flooding issues around Town.

Vice Mayor Houlihan welcomed both of the new Planning and Zoning members.

Mayor Outten also welcomed Dr. Ring and Mr. Thompson.

Public Comments

Dr Ring, Superintendent of the Delmar School System commented on the Redistricting Committee meetings. He reported that the Meetings had ended last Thursday and Delmar had been removed from the redistricting. He said that there would be a work session tomorrow morning with Wicomico County for some of the details to be worked out. He thanked Dr. Frederickson from Wicomico County for the great communication and the understanding of the Bi-State Agreement.

Dr. Ring said that bringing the 5th graders to the High School is being considered. He said that there are 563 Delaware students being educated in Maryland. He said if everything works out, even though it is a temporary fix, it might eliminate 2-3 trailers at the Elementary School.

Commissioner Anderton asked about the MAGNET program. Dr. Ring responded that they have come up with a couple of plans for the MAGNET program but it is up to the Board to make the final decision.

Mr. Luffman, who was also on the Redistricting Committee, commented that there was a lot of information being given at the meetings. He said that if the High School could take on the 5th graders, then Delmar Elementary School will not be touched in the redistricting.

WoodCreek resident Peggy Luber informed the Council that she read somewhere that the name of their community has been changed to WoodCreek Gold Community. None of the Commissioners were aware of a name change for the Development.

Adjournment

Mayor Outten made a motion for adjournment into Executive Session. There was a second to the motion which passed with 10 in favor and 0 absent

Cindy Fisher
Clerk of Council