

## **Joint Council February 22, 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 and Wells and Council Members Pase, Payne (arrived late) and Thompson, and Clerk of Council Fisher. Absent: Town Manager Bynum-King Guests: Sharon Levadnuk, David Ring, Jason Loar, Tom Luffman, Debbie Davis, Fire Chief Joe Morris, Chris Walter, Jeannie Stitt, and Peggy Lubber.

### ***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 Outten thanked the Public Works personnel for their dedicated work with the snow removal. He said that no one on the Shore has the equipment to remove all the snow that fell in the past two blizzards. He also thanked everyone in the Administrative Office for handling all the phone calls from the residents.

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

Mayor Outten made a motion to approve the January, 2010 minutes as circulated. Deputy Mayor Hitchens seconded the motion which passed with 9 ayes and 1 absent.

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

Commissioner Wells reported that there had not been a meeting this past month.

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

Mayor Niblett read from the Delmar Police Chief's Report that was included within the mail packets. (Report will be attached to these minutes).

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

Commission President Chris Walter reported that their last meeting was held on February 17, 2010. Mr. Tommy Young and Dr. Ring were at the meeting and the Museum was discussed. They are looking for ways to raise money. In that conversation, Shirley Martin's name was mentioned as being a member of the Delmar Historical Society as someone to contact in reference to funding through the Society. Council Member Pase stated that she thought she would be able to contact Mrs. Martin.

Mr. Walter said that Tommy Young is a member of the Delmar Alumni Association, and he thought there could be funds there that could help with the Museum. Mr. Walter had the entire

Council and Commission autograph a Delmar Sesquicentennial tee-shirt for an auction that the Fire Department will be holding. Some other things that will be auctioned off will be Delmar football helmets and footballs, along with the tee-shirts.

He concluded by stating their next meeting will be held on March 17, 2010.

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

Mayor Niblett read the report that was included within the mail packets. (will be attached to these minutes)

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

Delmar Fire Chief Joe Morris reported that the final totals for calls in 2009 were as follows: 224 fire alarms, which 151 of those were in Town. He reported no false alarms and no fire related deaths last year. The total EMS calls for 2009 was 1303. So far in 2010, there have been 71 alarms reported.

Mayor Niblett thanked the Delmar Fire Department for all the work that they did during the past snow storms. Chief Morris wanted to publicly thank the local farmers for their assistance in donating their time to assist in moving patients when the ambulance could not get to certain areas. The tractors also helped pull out stuck vehicles and clear travel lanes. He said that the farmers who helped will be invited to their annual dinner.

Chief Morris inquired about the status of the Town's Water Treatment Project. Chief Morris said that he noticed the night of the blizzard during the house fire, the water pressure was low. Council Member Pase reported that Hopkins had completed the Media Filter project this past Friday and everything is running like normal.

Chief Morris reported that Utility Commission Member Howard Dickerson's house burnt down during the middle of the blizzard due to a transformer explosion. Chief Morris said that he had discussions with DP&L and they were under the assumption that Delmar wanted the service disconnected from the house. Well, the whole Town had no electrical service due to the blizzard. He said that the Delmar Library allowed them to use their Committee Room as their make-shift station. He reported that they could not occupy the Fire House for approximately five hours.

Chief Morris also reported that he had put out a call to all property owners, that when they shoveled off their sidewalk, if they could also shovel and clear around the fire hydrants. Mayor Niblett congratulated them on a job well done.

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

#### **WWTP Project**

Council Member Pase reported that at their January meeting they were informed that the Town had been assessed penalties for several violations. She presented Jason Loar from DB&F to explain the penalties and the process involved with the Consent Order.

Mr. Loar reported that a response letter to MDE for the violations is being worked on to be sent to lessen the impact of the fine or to remove the fine all together. The project is behind schedule

mainly due to the weather and the back ordering of parts for antiquated equipment. He said that they are on track to respond to MDE within the next week or two.

There was some conversation about the process of the Consent Order and the timetable of the project.

#### TESI Interim Agreement

Council Member Pase reported that Tidewater had sent the Town a letter asking for a temporary postponement to any action on the Interim Agreement until such time as commitments from developers make it viable for them to continue. The Utility Commission decided to table that discussion until March so that more information from the Town Attorney could be obtained.

She continued by stating the Utility Commission did assign Dr. Chandra 5 EDU's for his Delmar Square project. She also reported that Hopkins Construction has completed the media filter project this past Friday. He said that there had been a water main break on Jewell Street that has been repaired and everything is now running smoothly.

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

Vice Mayor Houlihan reported that there had not been a meeting this month.

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

Vice Mayor Houlihan reported the following:

##### Dr. Chandra- Delmar Square Plaza- Delmar, DE

Vice Mayor Houlihan reported that Dr. Chandra had been present with plans for his proposed shopping center on North Rt. 13, located besides the Sleepy's building. He said that the Planning and Zoning Commission had asked him to return with a more detailed plan. They had asked for the front, the sides and the back of the building to look the same. Dr. Chandra presented a plan that shows a row of colored blocks that will go around the whole building. He also presented a lighting plan, landscaping plan along with a sign plan. He said that there had been some discussion on the egress and ingress of the property which the Town Attorney would have to research. There should have been an easement that tied the whole shopping center together but the developer of the Delmar Commons doesn't not want to share. Vice Mayor Houlihan is thinking that the Town Engineer would have the easement in his recordings.

The sign plan would have to be brought back, since it lacked the detail that the Commission was looking for.

Council Member Pase made a motion to accept the favorable recommendation of the Planning and Zoning Commission for the approval of the preliminary and final plat for Dr. Chandra, Delmar Square, Delmar, DE. The motion was seconded by Council Member Thompson and passed with 5 ayes and 0 absent.

Vice Mayor Houlihan continued by stating that Mr. Lou Alberti had also been present and spoke during the Public Comments section of the meeting. He explained that Mr. Alberti was the individual who bought the Hastings Property and was given permission to sub-divide the

property into 3 lots. He has received a positive recommendation to go forward to the Delaware Board of Adjustments for Lot #2 and Mr. Alberti will bring plans for Lot #3 in the future to Planning and Zoning.

Vice Mayor Houlihan asked to make a recommendation to the Maryland Mayor and Commissioners on DE Ordinance 176 in reviewing the amendment for the General Provisions that stated “The Commission and/or the Town Council by majority vote retains the discretion and right, when exercised in accordance with applicable law, to reject any petition seeking approval under, or change to, these Planning and Zoning Regulations”. He asked them to consider this so that the Maryland side will mirror what the Delaware side has done.

Vice Mayor Houlihan concluded by stating the next meeting for the Planning and Zoning Commission would be March 25, 2010.

### ***Unfinished Business***

#### **Public Hearings**

#### **DE Ordinance # 156- Allowing Casinos only in Highway/Regional Commercial District with a Special Exception**

Mayor Outten read DE Ordinance #156 in its’ entirety. He then opened up the discussion for Public Comments.

Resident Sharon Levadnuk stated that she is opposed to a casino. She thinks that there can be other places to find revenue than a casino.

Resident Tom Luffman said that he wanted to clarify some things. He said that this action is only one small step. It will not allow casinos to spring up all over Town as some residents believe. The casinos will only be allowed in one zoning district and only if the State of Delaware approves it. He said that the developer still does not know for sure if the State of Delaware will allow any more casinos in Delaware and if Delmar would be to their liking.

Council Member Thompson stated that even when the final project is presented to the Council, they can still refuse it. Council Member Pase stated that all departments had been taken into consideration when the language of impact fees was worded into the Ordinance.

Resident Debbie Davis of Delmar, Maryland stated that she was opposed to the casino coming to Delmar. She spoke of her father and how he has the addiction of gambling and how it has devastated him and their family. She said that she really doesn’t want to see another family devastated as they are.

Mayor Outten responded that the Council did review all the pros and cons of allowing a casino in Delmar. He said that they did consider the addictiveness of gambling, and the conclusion was that those with gambling addictions will find a way to gamble whether its’ in Delmar or they have to travel to Harrington. The possibility of a casino coming to Delmar will bring a lot of jobs and is one of the reasons he is in favor of it.

Upon hearing no more Public Comments, Mayor Outten closed the Public Comment section of the Public Hearing.

Council Member Payne made a motion to accept Delaware Ordinance # 156. Council Member Thompson seconded the motion which passed with 4 ayes and Vice Mayor Houlihan voting nay.

**DE Ordinance # 157- Reducing the number of Members on the Delaware Board of Adjustments.**

Mayor Outten read DE Ordinance # 157 in its' entirety. He stated that this change is warranted since it is hard to find enough volunteers to fill the positions. He then opened up the discussion for Public Comments.

Upon hearing none, he closed the Public Comment section of the Public Hearing.

Council Member Thompson made a motion to approve DE Ordinance # 157. Council Member Pase seconded the motion which passed with 5 ayes and 0 absent.

Mayor Niblett read from the report that Town Manager Bynum-King provided in her absence. He read that the State Street Park Sign is in need of repair by a professional sign company. The Town is now soliciting bids for the project and if it can't be repaired on-site, it will be missing for a short period of time.

***New Business***

Mayor Niblett did report that the Town did receive a letter from The White House in acknowledgement of our Sesquicentennial. Mayor Niblett read the letter to the Public.

***Town Manager's Report***

Mayor Niblett read from the report Town Manager Bynum-King left in her absence. (Report will be attached to these minutes).

Mayor Niblett reminded the Council that the first budget workshop will be held this Wednesday, February 24, 2010 at 6:30 p.m. The Department Heads will be presenting to the Council their departmental needs for this upcoming fiscal year.

He reported that all the changes for the municipal building have been submitted to the Architect. The final draft and specifications are expected within a few weeks. The projected completion date has been pushed back to May.

He reminded the Maryland Elected Officials that if they were interested in attending the summer MML Conference in Ocean City, they will need to contact Clerk of Council Fisher with their reservation details. The Conference will run from June 27, 2010 to June 30, 2010. Mayor Niblett also said that the Town Manager noted that the Conference could be a conflict with the June Joint Council meeting. The Council may opt to move the meeting to the third Monday of June which would be June 21, 2010.

Also, any of the Delaware Elected Officials that want to attend March's SCAT meeting should RSVP with Clerk of Council Fisher. The SCAT Steering Committee will be hosting its Annual Legislative Breakfast on Friday, March 5, 2010 at 9:00 a.m. at the CHEER Community Center.

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

Council Member Thompson stated that he knows that there is a lot of concern about the Casino Ordinance. He said that after several meetings and speaking to Delmar, Delaware residents, he voted for the Casino which is against what he personally wanted.

Council Member Pase agreed with Council Member Thompson. It is against what she would have personally wanted but it is what the residents want. She does understand the issues with gambling addiction. She did say that it is not entirely a done deal since the State of Delaware has not made their decision yet.

Council Member Pase thanked the Delmar Fire Department for everything that they did during the storms.

Vice Mayor Houlihan thanked the Public Works personnel for what they did during the blizzards. He said that here on the Eastern Shore, the residents and municipalities are not equipped for the amount of snow that we received.

Commissioner Henderson thanked the Public Works personnel also. He said that he had already spoken with the Town Manager and asked her to relay his thanks.

Commissioner Anderton stated that the Delmar Fire Department is a wonderful asset to the Town. They along with Public Works did an awesome job during the blizzards.

Deputy Mayor Hitchens said that he missed all the storms due to him being on vacation. He did say that he had heard of everything that the Fire Department and Public Works had done and thanked them for it.

### ***Public Comments***

Resident Tom Luffman also thanked the Public Works personnel for their hard work during the blizzards. He said that maybe the Town should consider having a designated Snow Route that would make it mandatory for the vehicles to be off the road.

Delmar Fire Chief Joe Morris mentioned that about \$15 Million that the State of Delaware usually gives to the Fire Departments for their projects has been cut out of the budget. He said that the money funds different things such as free smoke detectors and carbon monoxide detectors. He said that they did receive Federal Funding in the amount of \$243,000.00 that they will be using to purchase new gear for the personnel. He said that next year, that Federal Funding will probably not be available.

Mayor Niblett reviewed the March calendar.

***Adjournment***

Council Member Pase moved to adjourn into Executive Session for personnel reasons. There was a second to the motion which passed with 10 in favor and 0 absent

Cindy Fisher  
Clerk of Council