

Joint Council
March 29, 2010

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, Henderson, and Wells and Council Members Pase, Payne and Thompson, Town Manager Bynum-King and Clerk of Council Fisher. Guests: Debbie Keenan, Dr. Joanne Czernik, David Ring, Chris Walter, Tom Luffman, and Chris Mills

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

Certificate of Accomplishment

Mayor Niblett and Mayor Outten presented to resident Robert Webster a Certificate of Accomplishment for 60 years of continuous attendance to the Delmar American Legion.

Deputy Mayor Hitchens presented to Robert Webster a Certificate of Continuous Membership from the National Commander of the American Legion for 60 years of continuous service.

Fair Housing Proclamation

Mayor Outten read the April is Fair Housing Month Proclamation for Delmar, DE. Vice Mayor Houlihan made a motion to accept the Proclamation that declares April as Fair Housing Month. Council Member Pase seconded the motion which passed with 5 ayes and 0 absent.

Mayor Niblett read the April is Fair Housing Month Proclamation for Delmar, MD. Commissioner Anderton made a motion to accept the Proclamation that declares April as Fair Housing Month. Deputy Mayor Hitchens seconded the motion which passed with 5 ayes and 0 absent.

Municipal Government Works Month Proclamation

Mayor Niblett read the Government Works Proclamation for Delmar, MD. Deputy Mayor Hitchens made a motion to declare April as Municipal Government Works Month for Delmar, MD. Commissioner Wells seconded the motion which passed with 5 ayes and 0 absent.

Approval of Minutes

Council Member Thompson noted a misspelling on page 5 of the February, 2010 Joint Council Minutes. Council Member Pase made a motion to accept the amended minutes of February, 2010. Council Member Payne seconded the motion which passed with 10 ayes and 0 absent.

Parks and Recreation Report

Commissioner Wells reported that there had been a meeting on March 3, 2010. Some of the discussion centered around the use of funding from Project Open Space for an addition to the concession stand at the Little League, which will be maintained by Parks and Recreation, along with providing a scholarship for the Delmar High School students, both Maryland and Delaware.

She also reported that they have had discussions with Wicomico Parks and Recreation in reference to their projected plans. They had thought about a T-Ball field at the Mason Dixon Park. They are currently looking at various fundraisers for Parks & Rec.

Mayor Niblett said that he has noticed people playing cricket at the men's softball field. Commissioner Wells said that it is something that has just started and that there are quite a few men playing.

Police Chief's Report

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

Council Member Payne asked who paid for the 5.5 hours of overtime that was denoted as "school hours" on the report. Town Manager Bynum-King said that the school actually pays for the overtime for the officers, since it is not part of their regular shift.

Delmar Revitalization Report

Chris Walter reported that they had held a meeting on March 17, 2010. He said that Shirley Martin, the treasurer of the Historical Society was present and is researching to see if that incorporated society is still valid. They will be having a meeting in May to see if they can revitalize their historic society. On April 21, 2010, they will be meeting with members of the Sesquicentennial Committee and will be planning the upcoming Heritage Day Festival.

He reported that the Museum has been set up inside his building on Pennsylvania Avenue and it is going well. He said that there are lots of residents that have things to donate to the museum, and he doesn't know what to do with it all.

He does have a concern with the parking in the downtown area. He feels that the parking for the apartments upstairs should be in the back and park in front so that they are not taking the spots in front for the retail shoppers.

He concluded by stating that their next meeting will be held on April 21, 2010 at 7:00 p.m. at Town Hall.

Code Enforcement Officer's Report

Mayor Outten read from the report that was included within the mail packet.

Council Member Payne asked Vice Mayor Houlihan if there was an Ordinance concerning homes that are being turned into apartments. He wanted to know if the Town had an Ordinance prohibiting this. He said that there is a home on the corner of Elizabeth Street that has a business on the bottom and an apartment upstairs. Vice Mayor Houlihan responded that they have already

come before the Planning and Zoning Commission and since it has been that way previously, it can continue with the new owners.

Fire Department's Report

Council Member Payne reported that they have had 157 fire alarms to date which includes 24 silent medical assist calls. There have also been 163 ambulance calls.

Utility Commission Reports

Council Member Pase reported that Tidewater had requested that the Town take no action on the proposed Interim Agreement. She said that a letter will be sent to Tidewater indicating that the Utility Commission will take no action and she informed the Council that it will have no effect on the original agreement with Tidewater.

She also reported that the Utility Commission had received a request from the owner of Green Meadows Mobile Home Park for a reduction on their EDU's. After some discussion, on the current occupancy of the Park and its' maximum capacity, the Commission denied the request.

Public Works Reports

Vice Mayor Houlihan reported that there had not been a meeting this evening due to the Public Works Director working on drainage issues on the corner of State and Sixth Streets.

Planning and Zoning Commission Report

Pastor Jim Hitch- Delmar Wesleyan Church- Combining of 2 parcels

Vice Mayor Houlihan reported that Pastor Jim Hitch from the Delmar Wesleyan Church had requested to be on the agenda and then he asked for it to be tabled until next month. He had asked to be able to combine two parcels into one. He had to get permission from the Elders of the Church before he could move forward with this project. This item will be tabled until the April meeting.

David Davis- Lot # 28 Breckenridge II- Roslyn Court- New Home Construction

Vice Mayor Houlihan reported that David Davis was interested in building a new home in the Breckenridge II Subdivision in Roslyn Court. He presented the plat and building design of the home. It will be on a vacant lot on a cul-de-sac with homes on either side. He was asking to not only to be permitted to build the home but to be able to move forward on obtaining a variance for the rear setback. He is asking for a variance of approximately 5 feet. The building style is consistent with the other homes in the subdivision. The woodlands in the rear will serve as a buffer. The building lot is such a small and odd shape, the home will not fit with the setbacks.

Vice Mayor Houlihan said that two favorable recommendations were made that evening, one for the building plans and one for moving forward with the variance process.

Commissioner Wells made a motion to accept the favorable recommendation for the approval for the building plan for David Davis in care of Davis Construction for a house at Breckenridge II Subdivision, Lot 28, Roslyn Court, per the attached drawing #1, Delmar, Maryland. The motion was seconded by Commissioner Henderson and passed with 5 ayes and 0 absent.

Deputy Mayor Hitchens made a motion to accept the favorable recommendation for the favorable recommendation to the Maryland Board of Zoning Appeals for a variance request for the rear setback for Mr. David Davis in care of Davis Construction for the house building plans in Breckenridge II, Lot # 28, Roslyn Court, Delmar, Maryland. The motion was seconded by Commissioner Wells and passed with 5 ayes and 0 absent.

David Ring- 9251Tournament Drive- Addition of Sunroom

Vice Mayor Houlihan reported that Dr. Ring, while a member of the Planning and Zoning Commission, did present a request for an addition of a sunroom to the rear of his home on Tournament Drive. He will need a variance of 2 feet in the rear. Vice Mayor Houlihan identified Mr. Ring's home as being the one located next to the sales model home on Tournament Drive in the WoodCreek Subdivision.

Deputy Mayor Hitchens made a motion to accept the favorable recommendation for the favorable recommendation to the Maryland Board of Zoning Appeals for a 2 ft. variance of the rear setback for an addition of a sunroom in care of David Ring, Jr., 9251 Tournament Drive, Delmar, Maryland. Commissioner Anderton seconded the motion which passed with 4 ayes and Commissioner Henderson abstaining.

Vice Mayor Houlihan concluded by stating that the next Planning and Zoning meeting would be held on Thursday, April 22, 2010 at 7:00 p.m.

Unfinished Business

Council Member Payne inquired to the status of the Lecates Building. Town Manager Bynum-King reported that Chris Mills, through his attorney is preparing an Agreement document that addresses the concerns of all the interested parties. The latest setback was that the rear easement had to be resurveyed. The Agreement should be released by midweek this week and upon receipt, all parties will be able to sign off on it and then that document will be filed with the courts. Mr. Mills can then begin his settlement proceedings. Town Manager Bynum-King reported that this Agreement should address the previous concerns of everyone. She also reported that she has been in contact with Delmar's Town Solicitor and he is aware of everything that has been going on.

New Business

Jason Gidge- TGM Group, LLC- Financial Report

Mr. Gidge was present and passed out summaries of the financial reports for Delmar, Maryland, Delmar, Delaware, and the Delmar Utility Commission.

His review went as follows:

Cash and Investments- All three entities remained basically the same. Utilities did go down slightly to cover some expenses, Maryland did grow by \$300,000.00 and Delaware remained consistent.

Capital Assets- Maryland and Delaware did grow, mainly with street developments and with the streets. Utilities went down \$250,000.00 mainly due to depreciation.

Long Term Investments- Utilities went down due to paying off the bonds. But has no new debt. Maryland and Delaware did increase slightly. Also, a new Police vehicle had been purchased.

Net Assets- Utilities stayed pretty consistent with the main decrease due to net loss with no new tap-ins. Delaware went up \$500,000.00 and Maryland showed a net increase of \$8000.00.

Change of Net Assets- Maryland and Delaware are up from the prior year due to the increase of real estate values and numerous grants for street rehabilitation. Utilities are down basically due to the lack of tap-ins.

Net Income-Governmental Funds- Maryland's net income is \$300,000.00 less due to the assets being capitalized. Delaware is consistent with last year.

Mr. Gidge asked if the Council Members had any questions or concerns. After hearing none, he said that if there were any questions after this meeting, they could address them with Municipal Clerk Layton.

Public Hearing-

Resolution- 2010-03-29.1 Maryland Community Block Grant Program (CDBG) Funding

Mayor Niblett read Resolution 2010-03-29.1 that Delmar, Maryland Mayor and Commissioners authorize the submittal of an application for Community Block Grant funding in the amount of \$75,000.00. Clerk of Council Fisher noted that one of the dates within the Resolution was not correct and a correction was verbally done.

Mayor Niblett opened up the Hearing to Public Comments. After hearing no comments, Mayor Niblett closed the hearing to comments.

Deputy Mayor Hitchens made a motion to accept amended Resolution 2010-03-29.1. Commissioner Henderson seconded the motion which was passed with 5 ayes and 0 absent.

Resolution 2010-03-29.2 Delaware- Authorizing a General Obligation Bond of \$400,206.00

Mayor Outten read Resolution 2010-03-29.2 which authorizes the issuance of up to \$400,206.00 maximum principal amount of the general obligation bond in order to finance improvements to the Town of Delmar's water system and establishing the time and place for a Public Hearing. The Public Hearing date is to be Monday, April 26, 2010 at 7:30 p.m. at Town Hall.

Council Member Pase made a motion to adopt Resolution 2010-03-29.2. Council Member Payne seconded the motion which passed with 5 ayes and 0 absent.

Country Hearth Inn and Suites

Mr. Kenny co-owner of the Country Inn and Suites informed the Council that the renovations have been completed and they opened in January, 2010. He would like to have a Grand Opening very soon. There was some discussion on the parking lots and fire lanes being marked.

Council member Pase expressed her concern over the weekly rental of the rooms. She said that there are children getting on and off the school bus at the Inn. Mr. Kenney stated that he has a maintenance individual living on-site. His daughter is staying with him for a while and it is his granddaughter who is getting on and off the bus. He stressed that this Inn would not be their home, it is just temporary. He explained that there are 8 apartments that are eligible for weekly rentals.

Town Manager's Report

Town Manager Bynum-King reported that the Town did receive a grant of \$35,000.00 from the State of Delaware and \$18,000.00 from the State of Maryland which allowed the Town to make the new building more energy efficient. She explained that these were straight grants and did not require any matching funds from the Town.

Town Manager Bynum-King announced the Spring Clean-Up dates as April 14th and 15th for the Delaware side, and April 20th and 21st for the Maryland side. She reported that anyone wishing to have items picked up should call the Administrative Office and have their names put on the list. She said that it will save time, energy, and labor to do it on an as needed basis versus riding around Town looking for things left out for pick up. She said that she has Code Enforcement Office Bounds and Community Development Coordinator Hardin working together canvassing the community and sending out letters to property owners where there is trash and debris that needs to be cleaned up and encouraging them to put their names on the list.

She continued by reporting that the State of Delaware is still waiting on the contractors of the Streetscape Project to finish the punch list. She said that if it is not being taken care of soon, the State will cash out the bond.

Town Manager Bynum-King reported that the SCAT meeting is being hosted by the City of Lewis. Anyone interested in attending should RSVP with Clerk of Council Fisher no later than Thursday, April 1, 2010. She also said that the Administrative Office will be closed on Friday, April 2, 2010.

Council & Commission Comments

Commissioner Wells reported that the Little League Opening Day Parade will be held on Saturday, April 28, 2010 at 8:00 a.m.

Commissioner Anderton informed the Council of the announcement that Gary Commegys has been diagnosed with cancer. He asked everyone to keep him in their thoughts and prayers.

Deputy Mayor Hitchens sent out well wishes to Council Member Commegys and his family.

Mayor Niblett reported that FEMA has been doing a flood insurance study in our area. He said that the results can be found on their website: www.fema.gov.

Council Member Thompson wished everyone a Happy Easter.

Council Member Payne thanked the Public Works personnel for their hard work. He also thanked Dr. Ring and talked about a job well done in getting the sixth graders moved to the high school to help alleviate the overcrowding at the elementary school. He also said that he had attended the Delaware League of Local Government Meeting and met with Gregory Patterson. He said that they discussed the situation of the abandoned well and how the Town is now at a disadvantage with having started drilling a well and now not being able to finish. Council Member Payne reported that Mr. Patterson is now looking into the situation. Some other items discussed were the possibility for grant funding for buildings that are considered eye sores.

Council Member Payne reported that there is a dumpster located on Lincoln Avenue that is situated so that half of it is sitting on the sidewalk and the other half is sitting in the yard. He is concerned on who will be responsible when the sidewalk is damaged when the rollback picks up the dumpster. He also wished everyone Happy Easter.

Council Member Pase wished everyone a Happy Holiday. She also told Dr. Ring and Mr. Luffman that they did a job well done in moving the sixth graders to the high school. She said that it demonstrates how the Town of Delmar works together.

Vice Mayor Houlihan wished everyone a Happy Easter.

Public Comments

Debora Kennan spoke of the upcoming Delmar School District Elections. She is asking that the Town sponsor a “meet and greet” with the candidates. She didn’t ask for any endorsement but just to have a location where the public might be able to meet the candidates and have an opportunity to ask questions.

Mayor Niblett said that the Town could offer a room for the forum so that it will be a neutral ground for everyone. This will be just to make the public aware of the candidates and their platforms. Different options for the forum were discussed and Council Members Payne and Thompson volunteered to be in charge of getting everything set up as well as being in charge of the questions and answer portion of the forum.

Chris Mills gave the Council an update on the status of the Lecates Building and his pursuit in its purchase. He said that most of the concerned parties are in agreement with the 10 ft. easement in the rear. He said since his last visit to the Joint Council, the easement had to be resurveyed and the description in the deed had to be completed. This information has been forwarded to his attorney and he should have a tentative agreement drawn up by the middle of this week.

Council Member Payne said that he definitely wanted to put a time frame on this process so that it doesn’t continue for another six or seven years. The building is still in the same condition and is a liability to the Town. His main concern is to make the building as safe as possible. Mr. Mills said that he could not put a time frame on it, since he never thought that it should have taken as long as it has to get to this point.

Dr. David Ring, Jr. from the Delmar School District thanked everyone who attended the Bi-State Agreement meeting. He spoke of a transportation tax that had been discussed at a Legislative

meeting in Sussex County. He also discussed a meeting that he and Town Manager Bynum-King had attended that had as one of it's' agenda items to have a University of Delaware branch on the western side of Sussex County. That would include Delmar, Laurel, Seaford and Woodbridge. He said that an Ad Hoc Committee is working with the trustees to see if it will happen and then where it will be located. He said that he gets the feeling that it will be located in Seaford.

Mayor Niblett said that one item that he would like to see addressed is to allow the graduates from Delmar High School have the opportunity to attend college in either State as an In-State student to be eligible for in-state tuition. Dr. Ring stated that it is definitely something that he will ask to be put on the agenda.

Adjournment

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

Cindy Fisher
Clerk of Council