

MINUTES of the REGULAR TOWN COUNCIL MEETING

JULY 12, 2016 @ 7:00 PM

32 WEST AVENUE

OCEAN VIEW, DELAWARE 19970

1. CALL TO ORDER

Mayor Curran called the meeting to order at 7:00 p.m. with the **Pledge of Allegiance**.

Present: Council Members Bill Olsen, Frank Twardzik, Tom Maly and Carol Bodine. Town Manager Dianne Vogel, Town Administrative Official Charles McMullen, Finance Director Lee Brubaker, Chief Kenneth McLaughlin, Town Clerk Donna Schwartz and Town Solicitor Dennis Schrader.

Mayor Curran asked for a moment of silence in honor of the five Dallas police officers killed in the line of duty on July 7, 2016.

2. PUBLIC HEARING

Mayor Curran opened the public hearing of the second reading of an ordinance amending the Ocean View Land Use and Development Code by adding Brewpubs and Microbreweries as special exceptions in GB-1 and GB-2 general business districts. No comments were made by the Council Members nor by the public in attendance at the meeting. A motion was made by Council Member Bodine, seconded by Council Member Olsen to approve the ordinance change. The motion carried unanimously 5/0.

3. ADOPTION OF AGENDA

A motion was made by Council Member Maly, seconded by Council Member Twardzik, to adopt the agenda as posted. The motion carried unanimously 5/0.

4. APPROVAL OF MINUTES

A motion was made by Council Member Bodine, seconded by Council Member Olsen, to approve the minutes of the regular meeting held on June 14, 2016. The motion carried unanimously 5/0.

5. COMMUNICATIONS AND PRESENTATIONS

A. Mayor Curran introduced Resolution 16-3, a resolution regarding the boundary dispute of Millville by the Sea in the Town of Millville and Fairway Village in the Town of Ocean View. No comments were made by Council Member or the public. A motion was made by Council Member Twardzik, seconded by Council Member Bodine, to approve the resolution. The motion carried unanimously 5/0.

B. Mayor Curran acknowledged an email from Mr. Chandross, a concerned citizen and a non-resident of the Town, which he received citing concerns over traffic congestion and newly approved communities within Sussex County. Mr. Schrader remarked to the Council that Sussex County is currently updating their Comprehensive Plan and now would be a good time to communicate with them.

6. **REPORTS**

A. **Financial (Lee Brubaker)**

Report received and filed.

B. **Public Safety Report (Chief McLaughlin)**

Report received and filed.

Council Member Twardzik inquired about ID badges for Town Council Members. Chief McLaughlin stated he would be more than happy to create an ID badge for any Council Member who would like one.

C. **Town Administrative Official's and Public Works Department Report (Charles McMullen)**

Report received and filed.

Council Member Twardzik commented that he was very pleased with the micro-surfacing project on Hudson Avenue which was just completed. He also asked Mr. McMullen if he could check the corner of Central and Betts Avenues for a low hanging crepe myrtle tree to see what can be done to improve visibility. Council Member Maly complimented the Public Works Department for the backpack mosquito spraying that has been ongoing.

D. **Town Manager's Report (Dianne Vogel)**

Report received and filed.

Ms. Vogel thanked Mr. Brubaker and Ms. Lebedz for their efforts resulting in a smooth week with the auditors. Council Member Twardzik inquired if there had been any additional costs with the PKS Accounting Firm. He also asked how much the Town was paying Mister Softee to provide ice cream for the concerts. Ms. Vogel replied that there had not been any additional costs billed by PKS for the FY2016 audit. Regarding Mister Softee, the cost at each concert is \$600; \$500 for ice cream and \$100 for travel from New Castle County. The concert scheduled for August will not include free ice cream.

Mr. Olsen commented that he has received emails saying people were not cleaning up after their pets in the park.

E. **Council Members –**

Mayor Curran offered an update on a recent meeting on the proposed annual ambulance fee. He said in theory the concept is good but there are lots of questions to be answered yet. The tax would be imposed on all improved properties for EMS/ambulance service only. The MVFC will still rely on contributions and donations for the volunteer fire company. Council Member Maly commented that 40% of the EMS calls are outside of the town limits of Ocean View and Millville and questioned how those areas would be handled.

Mayor Curran said the county is starting to pay attention to the discussions that are taking place, in the meantime the MVFC would continue to solicit for funds. Mayor Curran said he was expecting a draft agreement within the next week or so, and asked the Council Members to read and make notes of any comments and questions for the September meeting.

In other Council discussion, the conversation turned to speeding on Town roads. Mr. McMullen said he had prepared an amendment to the ordinance addressing the speeding on Central Avenue. He said the only options besides lowering the speed limits was using speed bumps where feasible. Mr. McMullen said he knows the fire trucks don't like speed bumps but sometimes they are needed. He suggested the use of speed bumps on Oakwood Avenue near the park to add extra protection for the kids on the playground. He felt the use of speed bumps on other streets in Town is not a good idea. Council Member Twardzik said he thinks a stop sign makes enforcement easier than reducing the speed limit. He agrees the Town definitely has a speeding problem. Mr. McMullen said unfortunately there are some locations the Town cannot put stop signs. The Mayor suggested the Council Members email Mr. McMullen any locations of concern where they think speed bumps may be instrumental in helping slow people down.

7. **CITIZENS' PRIVILEGE ON THE PREPUBLISHED AGENDA** – No comments

8. **NEW BUSINESS**

A. **Introduction of Ordinance(s)** – None

B. **Discussion, Consideration, and Possible Voting on a request by Windansea, LLC, the developer of the Ocean View Beach Club, to amend Condition #7 of the Residential Planned Community as outlined in Ordinance 214, in so far as it pertains to the completion of the amenity area.**

Mr. Shawn Smith, Mr. Zac Crouch, and Mr. Brian McManus of Ocean View Beach Club were present to discuss their request with Council. Mr. Smith explained that the real estate market has changed since the approval of the annexation in 2007 where they agreed to build the amenities by the 60th Certificate of Occupancy. They would like to request a change to the annexation agreement and build only the outdoor pool and clubhouse by the 60th CO. The balance of the promised amenities would be built by the 150th CO. He stated they currently have 30 CO's to date. Mr. McMullen stated his main concern was to make sure these items get done as agreed to in the ordinance. Mayor Curran said this is a disadvantage for the homeowners, he wants to be reasonable but needs a rational proposal to consider any change. Council Member Twardzik asked if the homeowners were aware of the requested change. Mr. McMullen stated that another option would be to request a bond from the developer. Mayor Curran suggested to Mr. Smith that they have some discussion with Mr. Schrader and Mr. McMullen to see what options make the most sense. He suggested they return in September for additional discussion.

C. **Discussion, Consideration, and Possible Voting on the execution of a design only agreement with DelDOT for the Ocean View Streetscape Improvement Project Phase IV, Central Avenue from Oakwood Avenue to Assawoman Canal and West Avenue from Oakwood Avenue to Central Avenue.**

Mayor Curran opened the discussion by saying "No" to the request of \$28,000 by DelDOT citing the fact that the residents do not want the sidewalks and the Town is not willing to throw good money away on a project to go nowhere. He feels the risk of not knowing how much cost the Town could incur is not a risk he wants to take. Mr.

McMullen said he reads the contract differently and says he thinks \$28,000 is all they are requesting even if the project fails. Council Member Olsen offered his opinion saying that if the Town did away with the sidewalk ordinance more people would sign easements for sidewalks on their property. Mayor Curran disagreed with Mr. Olsen saying the ordinance is needed to keep the sidewalks ADA compliant with respect to snow removal and upkeep. Mr. Schrader stated he reads the agreement like the Mayor does and expects there would be additional costs to pay if the project is halted.

A motion was made by Mayor Curran, seconded by Council Member Twardzik, to say no thank you to DelDOT's agreement. The motion carried 4/1 with Council Member Olsen opposing the vote.

9. CITIZENS' PRIVILEGE

Tricia Supik, 13 William Avenue, spoke on eliminating the fire siren and the Task Force meeting held on April 18, 2016. She said she would like to pick up the pace and see the Town set a goal date for elimination of the siren. Mayor Curran replied that he had spoken with Chief Scott at a meeting earlier today and was asked by him to give them a little more time. Chief Scott said they have been dealing with the audit and embezzlement issues over the past couple of months. He asked if they could get through the summer and then resume the conversation. Mayor Curran said the siren has to go by the end of September. Council Member Twardzik mentioned he would like to see the siren continue to be used as a civil defense warning.

Richard Moore, 10 Woods Lane, question the length of the loan amount for the installation of water service in the Town. Mr. Brubaker replied it was a 40 year loan.

Steve Cobb, 15 West Avenue, asked if there would be a time for the public to comment on the proposed ambulance tax. Mr. Schrader replied that there would be public hearings prior to approval. Mr. Cobb stated that he felt the silencing of the siren for the implementation of the ambulance tax would be a good compromise.

10. EXECUTIVE SESSION

A motion was made by Council Member Bodine, seconded by Council Member Twardzik, to open an executive session at 8:40pm.

A motion was made by Council Member Bodine, seconded by Council Member Twardzik, to close the executive session at 9:05pm.

Town Solicitor Dennis Schrader noted that all members of Town Council, Town Manager Dianne Vogel, Town Administrative Official Charles McMullen and himself were present during the executive session in which no motions were made and no votes were taken.

11. ADJOURNMENT

A motion was made by Council Member Bodine, seconded by Council Member Twardzik, to adjourn the meeting at 9:10pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz, Town Clerk