

MINUTES of the REGULAR TOWN COUNCIL MEETING
SEPTEMBER 13, 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.

2. PUBLIC HEARING - None

3. ADOPTION OF AGENDA

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

4. APPROVAL OF MINUTES

Mayor Curran asked for an amendment to his statement in the minutes of July 12, 2016 regarding the fire siren. He said he recalled saying "I firmly believe the fire siren has to go. As to the timeline I would like to schedule a final meeting with members of the MVFC by the end of September if not before to pick a date for the fire siren to come to an end. Hopefully this can be accomplished by the end of this year." A motion was made by Council Member Olsen, seconded by Council Member Bodine, to approve the amended minutes of the regular meeting held on July 12, 2016. The motion carried unanimously 5/0.

5. COMMUNICATIONS AND PRESENTATIONS

A. Mayor Curran introduced Resolution 16-4, a resolution for Constitution Week. A motion was made by Mayor Curran, seconded by Council Member Twardzik, to approve the resolution. The motion carried unanimously 5/0.

B. Mayor Curran introduced Resolution 16-6, a resolution to close a METLIFE account on behalf of Heath Hall. A motion was made by Council Member Maly, seconded by Council Member Bodine to approve the resolution. The motion carried unanimously 5/0.

C. Mayor Curran introduced Resolution 16-7, a corporate resolution to update signers for Raymond James & Associates. A motion was made by Council Member Maly, seconded by Council Member Bodine, to approve the resolution. The motion carried unanimously 5/0.

D. Mayor Curran introduced and read a letter from Mr. Douglas Scott, of MVFC, regarding the fire siren on Central Avenue. Mayor Curran commented that the MVFC should try and schedule volunteer shifts to have faster response. He would like to see the siren only used in a community emergency situation or as an alternative in the event that the electronic system goes down. Council Member Bodine agreed with Mayor Curran. She agreed they should have scheduled volunteer shifts. Council Member Olsen said he wondered about using telephone landlines. He said most volunteers are home at night and could be easily contacted. Council Member Maly stated he feels Mayor Curran has

presented an equitable solution for all parties. Council Member Twardzik commented that he agreed with Council Member Maly that this is a viable compromise. Mayor Curran suggested that the sound of the siren be changed if it is going to be used as a community warning siren. Mayor Curran said he will take the Council consensus back to the fire company and go from there.

- E. Mayor Curran introduced a letter from Mr. William Wichmann, HOA President, regarding drainage concerns at the Cottages development. Mr. McMullen explained the situation to Council and asked for up to \$5,000 for drainage study by Kercher Engineering. A motion was made by Council Member Bodine, seconded by Council Member Olsen to allow Mr. McMullen to spend up to \$5,000 on a drainage study by Kercher Engineering. The motion carried unanimously 5/0.
- F. Mayor Curran introduced a letter from Mr. Gregory Barnes, of Fairway Village, regarding drone use in Town. Chief McLaughlin explained to Council that drones are regulated by the FAA and local ordinances have no standing. The FAA regulates airspace which was established in 1946. Drone regulations went into effect in August 2016. Mr. Schrader was asked by Council to look into the matter and report back to Council.
- G. Mayor Curran introduced an email from Ms. Dana Schaeffer regarding the need for sidewalks in Town. He noted that neither DeIDOT, nor the Town, were willing to enforce eminent domain to complete the sidewalk project. Mr. McMullen stated he has reached out to Century Engineering and will update Council at a later date.
- H. Mayor Curran introduced a letter from Mr. Kevin Doughty, the Cottages, regarding Ordinance #140-25 C (3). The Council unanimously agreed they were not in favor of changing the ordinance.
- I. Mayor Curran read an email from Ms. Donna Distasio, regarding the removal of trees by Ocean View Beach Club. Mr. McMullen noted that it was Ocean Way Estates where the trees were being removed.

6. **REPORTS**

A. **Financial (Lee Brubaker)**

Report received and filed.

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

Report received and filed.

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

Report received and filed.

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

Report received and filed.

E. **Council Members –**

7. **CITIZENS' PRIVILEGE ON THE PREPUBLISHED AGENDA –**

Trisha Supik, 13 William Avenue, thanked Council for the work being done to eliminate the fire siren. She noted three areas the fire company should consider: scheduling, use of all electronic system, and converting the siren to a community alert alarm.

Harvey Booth, 16 Daisey Avenue, thanked Council for consideration of the speed bumps. He said Daisey Avenue is an accident waiting to happen. Council Member Twardzik asked if the speeders were local people or visitors. Mr. Booth replied they were both.

Bob Svenson, 11 Woodland Avenue, also thanked Council for the speed monitors and speed bumps. He noted that traffic had increased since the road construction on Route 26 started and the detours were posted.

8. OLD BUSINESS

A. **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. McMullen commented that he, Mr. Schrader and Windansea LLC met, talked and agreed to increase the number of Certificate of Occupancies needed from 60 to 80. The “indoor pool” has been taken off the plan and replaced as a “reserved for future use amenity.” Mayor Curran stated he was concerned that the property owners would not get what they were promised. Mr. McMullen said he was comfortable with the agreement. Mr. Olsen stated he would like to see a condition on the indoor pool like 150 CO’s. Mr. Brian McManus, with K. Hovnanian Homes, stated all 30 residents have been told about the amenity change and timing of amenities, which is consistent with their sales message to the owners and potential buyers. Mr. Shawn Smith, of Windansea LLC, also spoke to Council. He said they have plans for a 15,000 sq. ft. clubhouse, pool and multi-sports court. Mr. Smith stated the indoor pool was not part of their original plan and has been added as an amenity for future use. He thanked Council for their consideration and said the extra 20 CO’s will give them some additional breathing room.

9. NEW BUSINESS

A. **Introduction of Ordinance(s)**

- An Ordinance to amend the conditions set out in Ordinance 214 entitled “An Ordinance annexing into the Town limits of the Town of Ocean View, 85.43 acres, more or less, being the lands of Talivadis Berzins and the Trustees of the Protestant Episcopal Church of Delaware” introduced by Mayor Curran.
- An Ordinance repealing Chapter 36 of the Ocean View Code entitled “Police Pension Fund” introduced by Mayor Curran.
- An Ordinance amending Ocean View Code Chapter 210, Vehicles and Traffic, to reduce speed limits on certain streets within the Town of Ocean View introduced by Mayor Curran. Mr. McMullen suggested going forward with the change on Central Avenue which has been approved by DelDOT and place the other changes on hold.
- An Ordinance repealing Chapter 28 of the Ocean View Code and providing for a revised personnel system for the Town of Ocean View introduced by Mayor Curran.

B. Discussion, Consideration, and Possible Voting on a resolution to adopt a new employee manual dated September 2016.

Mr. Schrader reminded Mayor Curran the resolution cannot move forward until the repeal of Ordinance 28 in November. This item was deferred until a later date.

C. Discussion, Consideration, and Possible Voting on a request to approve a proposed street name in the Blue Heron Subdivision.

A motion was made by Council Member Bodine, seconded by Council Member Twardzik, to approve "Hummingbird Lane" as a street name for Blue Heron Subdivision. The motion carried unanimously 5/0.

D. Discussion, Consideration, and Possible Voting on a draft of the Municipal-Wide Discount Ambulance Subscription Service Agreement.

Mayor Curran stated this was the draft agreement and he doesn't feel it is ready for a vote. He said there are more questions that need answers. Mayor Curran also noted that this is a fee not a tax. Discussion on this topic was deferred to a later date.

E. Discussion, Consideration, and Possible Voting on Comprehensive Land Use Plan update review.

Mr. McMullen explained to Council that an opportunity exists to do the 10-year update to the Comprehensive Plan now instead of doing a 5-year review. He said this would reset the clock on the update which would be beneficial to the Town. The Council was in agreement with Mr. McMullen's suggestion to complete a total update in the coming year or so.

10. CITIZENS' PRIVILEGE - None

11. EXECUTIVE SESSION - None

12. ADJOURNMENT

A motion was made by Council Member Bodine, seconded by Council Member Olsen, to adjourn the meeting at 8:30pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz, Town Clerk