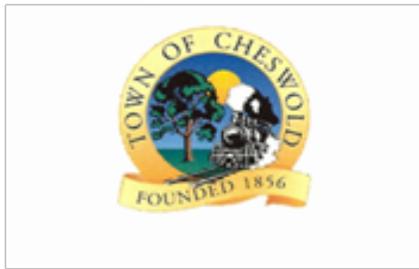


Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Workshop Meeting
Tuesday - April 21, 2015
6:00 p.m.
Cheswold Town Hall

The following persons were in attendance:

Mayor Don Tinari
Vice Mayor Bob Sine
Secretary/Treasurer Theon Callender
Councilperson Sherry Lambertson

Police Department: Chief Christopher Workman

Planning Commission: Commissioner Al Roth

Town Employees: 0

of Cheswold Fire Company Present: 0

of Cheswold Residents Present: 0

of Visitors: 1 - Mr. Justin Olear

Notice:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on January 29, 2015, on the Town of Cheswold website at: <http://www.cheswold.delaware.gov>. Copies of the agenda were posted outside the Cheswold Town Hall; in the local Post Office; at the Fox Pointe Management Office and on the Official Web Site for the Town of Cheswold, at <http://www.cheswold.delaware.gov>; and was filed with the Clerk of the Town of Cheswold on April 15, 2015. In addition, copies of the agenda were available for pick-up at the Town Hall.

Meeting:

The meeting was called to order by Mayor Tinari, at 6:12 pm and was immediately followed by the Pledge of Allegiance and a Moment of Silence.

Roll Call:

The Mayor requested Secretary Callender to conduct a roll call of Council members and attendance was confirmed as noted above. A quorum of members was presented to the Mayor and the meeting continued.

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Agenda Review:

Mayor Tinari requested the Council review the accuracy of the agenda and for a motion to accept as presented or to make changes and amendment requests as needed.

A motion to accept the agenda as presented was made by Vice Mayor Sine, seconded by Councilperson Lambertson. A roll call vote on the motion was as follows:

Councilperson Theon Callender – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

Discussion Items and Status Reports:

a. Finances – Secretary/Treasurer Theon Callender

<u>Requisition #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
R5-00057	Public Works	Atlantic Tractor	Lawn Mower Repair	\$ 653.72	Public Works

b. Police Department – Chief Christopher Workman

- Two, (2), potential Vehicles for Future Purchase
The Chief notified the Mayor and Council that the Crown Vic has over 69,000 miles on it and has cost approximately \$1,400 in repairs and that the Dodge Charger was paid off in full this month.

As a result of the condition of the Crown Vic and anticipated future repair expenses he is investigating two, (2), vehicles that will probably be better suited to the needs of the Town and the Department. They are the Ford Interceptor, which may be purchased for \$8,500 per year for three, (3), years and the Ford Tahoe, which may be purchased for \$11, 726.00 for three, (3), years. Both purchases are three, (3), leases with a \$1.00 payment at the end of the three, (3), years to purchase in full. The Tahoe is sold with a 4x4; and a 4x2 option and is rated and comes fitted as a police pursuit vehicle. The Interceptor is not a pursuit vehicle.

The Chief has had both vehicles delivered to the Town Hall for review by the Mayor and Council and explained that he does not plan on requesting a possible purchase until later in the year. There is also the option to lease another Dodge Charger for \$7,900 for three, (3), years with the same plan to purchase at the end of the lease for \$1.00.

The vehicle of choice will probably be the Ford Interceptor for practical financial reasons and because it is an all drive vehicle that will provide the necessary flexibility in bad weather. Without cost considerations, the Tahoe would be preferred.

- The Mayor asked the Chief how other Police Departments could respond to the weekend shooting in Dover. The Chief explained that the State Legislature has adopted a state-wide Memorandum of Understanding that permits any Police Department within the State to provide assistance to any other Police Department as necessary.
- The Mayor then asked the Chief which State Police barracks is responsible for our area and how large an area do they cover? The Chief's response was that Troop 9 is responsible for our area and they cover from Delaware City to Route 8.

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c. **Current Projects Status Reports - Secretary/Treasurer Theon Callender**

- **Town Hall Parking Lot** – remains pending.
- **Old Town Water Project** – Shadina Jones, Town Clerk and Mrs. Callender met with Ms. Lisa Fitzgerald of the USDA, on April 21, 2015, at 11:00 am, in Town Hall. At that time, Ms. Fitzgerald, made them aware that the PER was accepted by her and forwarded to the USDA Engineer for review and approval. Review of the ER is yet pending and it will have to be forwarded to the State Environmental Coordinator for review as well. She also provided training on the requirements of completing the payment process and closing the grant.

There is interest on the part of the USDA to know if the Town plans to go forward with the construction portion of the project. I explained to Ms. Fitzgerald that unfortunately, that even with a 2½% interest rate, on a 1.8 million dollar loan, the Town cannot afford it.

Our PER and ER are valid for a three, (3), year period, so the Town may be in a position to go forward at that time. She encourages us to apply however, as soon as we deem it feasible and well before the three, (3), years expires.

- **Review of Planning Commission Recommendation, (Memo 15-001), to Add R-5 Zoning Code and Delete Age Defined Residential Community Overlay from the Land Use Ordinance** – Mrs. Callender informed the Mayor and Council that the Planning Commission had made a unanimous decision, at their April 9, 2015 meeting, to recommend that the Council approve the revisions, additions, deletions to the Land Use Ordinance as submitted.

The Mayor and Council elected to provide their feedback following feedback from Mrs. Callender, which she shared as follows and referred to Mr. Justin Olear for response:

1. *Dwelling, Carriage is to be included as a new definition and it is mentioned in the R-5 Summary, but does not appear in the Purpose and Intent description of an Age-Defined Community, along with the other dwelling types. For consistency, I believe it should be included.*
2. *Section 7-2; Item 2 specifies that all age-defined residential plans shall include a community center, centrally located within the community. How is Nobles Pond going to meet this requirement or do they plan to request a variance?*
3. *Section 7-2 Item 3a defines the parking requirements for Single Family Dwellings and Single Family Mobile Homes. Mobile Homes are not included in the dwelling types for an Age Defined Community or anywhere else in the document. Were they meant to be included here?*
4. *What are the parking requirements for carriage, semi-detached, tripled attached dwellings?*
5. *What are the parking requirements for the community center? – Per Mr. Olear, the community parking lot will also serve for overflow parking.*
6. *Section 7.2 – Item 6. Should modular homes be included in the Summary and in Section 6.2 – Item E-1 Purpose and Intent?*

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c. **Current Projects Status Reports** – “continued”

- **Review of Planning Commission Recommendation, (Memo 15-001), to Add R-5 Zoning Code and Delete Age Defined Residential Community Overlay from the Land Use Ordinance**
 7. *Section 7-2 – Item 7 states: Property may be held in single ownership with portions of the property being leased to individuals for any purpose permitted in this Zoning District. Under what circumstances would this occur? Per Mr. Olear, this situation would only apply to current land lease properties.*
 8. *It is requested that the definition for an Adult Day Care Center be shown following the definition of a Self-Storage Facility. Our Land Use Ordinance list definitions in alphabetic order, therefore this definition should be listed immediately following the definition of Administrator.*
 9. *As Land Use Administrator, I am tasked with the first opportunity to determine and explain the intent of the Land Use Ordinance. As a result, I think the approval of this Amendment to the Ordinance requires definitions of the following:*
 - a. **Adult – It was decided by Council that this definition would not be required.**
 - b. *Nursing Care Facility*
 - c. *Continuing Care Facility*
 10. *An additional concern expressed was the minimum size requirement of 3,000 square feet for a community center and after discussion by Mayor and Council, it was decided that any future applicants with issues about the minimum size would have the option to resolve such conflict through a variance request.*

The discussion was closed with the agreement from Mr. Olear to address the above issues with the attorney of record and to respond to the concerns or requests for additional information as applicable.

- **Review Recommendation of Planning Commission Zoning Code Assignments for:**
 - Jarrell Properties, LLC
 - Nobles Pond

Mrs. Callender explained that although Memo 15-001 expressed the recommendation for approval of the R-5 Zoning Code and the associated deletions, it not specifically identify or recommend the Zoning Code assignments for the properties in question and as a result, she was making a motion to suspend the vote on the Zoning Code assignments until such time as a proper recommendation has been received from the Planning Commission.

Councilperson Lambertson made a second to the motion and the votes were as follows:

Councilperson Theon Callender – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

**Monthly Town Council Workshop Meeting
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Discussion Items and Status Reports: "continued"

c. Current Projects Status Reports - Secretary/Treasurer Theon Callender

• **Review of Proposed Ordinances**

- Ord. # 04-01-15-042: Previously Approved Land Use Ordinance Text Amendments of Various Definitions
- Ord. # 04-01-15-043: Record Amendments to the 2010 Comprehensive Plan – 5 Year Growth Area and Plan

After review of both Ordinances, the Mayor and Council directed Mrs. Callender to schedule, post and prepare a Resolution for a Public Hearing for both.

• **Status of Board of Adjustment Meeting**

Mrs. Callender informed the Mayor and Council that the Board of Adjustment has scheduling a Hearing to review a Variance Application to place manufactured homes in the R-1 Zoning District, which is prohibited by the Land Use Ordinance.

The Hearing is scheduled for Wednesday, May 4, 2015, at the Cheswold Town Hall, 691 Main Street, Cheswold, Delaware, at 3:00 pm.

d. Information for May Town Council Meeting

- The meeting is scheduled as follows:

Monthly Town Council Meeting
Monday, May 4, 2015
Cheswold Town Hall
6:00 p.m.

Council Member Comments

Secretary/Treasurer Theon Callender – *asked the Mayor and Council to consider moving the May Town Council Workshop from Tuesday, May 19 to Monday, May 18, due to a scheduling conflict. With their agreement, a motion was made by Mrs. Callender to do so, and Councilperson Lambertson made a second to the motion. The votes on the motion were made as follows:*

*Councilperson Theon Callender – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Sine – Yes*

The motion carried with a unanimous vote.

Vice-Mayor Bob Sine – *Nothing to Report*

Councilperson Lambertson – *Nothing to Report*

Mayor’s Comments – *The Mayor expressed again his frustration at the severe problem of filling vacant Council seats. He informed Council that he is discussing the issue with Hartley representatives for ideas, as he plans to retire soon. He promised to provide the Council with sufficient time to find a replacement.*

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Motion to Adjourn

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A motion was made by Councilperson Callender, seconded by Councilperson Lambertson to adjourn at 7:17p.m. A roll call vote on the motion was as follows:

Councilperson Theon Callender – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

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