

Town of Camden
Regular Meeting of the Council
October 6, 2008 - 7:00 p.m.
Camden Wyoming Sewer & Water Authority

At 7:08 p.m. Mayor Mooney called the Camden Town Council Meeting to order and led the attendees in the Pledge of Allegiance.

The following persons were in attendance:

Council Members

Robert A. Mooney, Mayor
James O. Plumley, Vice Mayor (Absent)
Mark Babbitt, Councilman
Richard Snyder, Councilman
Kenneth Fuchs, Councilman

Solicitor

Craig T. Eliassen, Esq.

Administrative Staff

William Bryson, Chief
Gary Melvin, Captain
Charlotte Klauder, Land Use Administrator
Harold Scott Jr., Code Enforcement Officer

Public

See attachment #1

Notice

Notice of this meeting has been made in accordance with the Delaware Freedom of Information Act by posting on September 29, 2008, copies of the agenda on the Official Bulletin Board outside the Camden Town Hall, in the lobby of the Camden Town Hall, Delaware State News and on the Official Web Site for the Town of Camden.

Mayoral Announcements

At this time Mayor Mooney suspended the order of business and introduced Robert McDonald, Esq. to present information regarding a disciplinary hearing involving a Town of Camden Police Officer.

Mr. McDonald explained that there was a disciplinary board compiled of police officers from various towns to hear testimony regarding alleged false statements given by a police officer to his superior during an internal affairs investigation. He stated that due to inconsistencies in testimony the Town was obligated to reinstate the officer with full reinstatement of benefits.

Mayor Mooney emphasized his policy for public awareness and desire to negate hearsay and rumors by opening the floor for public comment and/or questions. Hearing no comments, Mr. McDonald departed.

Mayor Mooney reminded the public that the Town Hall will be open on Monday, October 13th (Columbus Day) in lieu of being closed on December 26th.

Mayor Mooney announced the Delaware Local League of Governments held their annual kick-off meeting on September 28th, which was also attended by Councilman Fuchs and Commissioner Maly. He acknowledged the Mayors of Kent County saw fit to reelect him to the Dover / Kent County Metropolitan Planning Organization (MPO).

Minutes

Motion made by Councilman Fuchs, seconded by Councilman Babbitt, to approve the regular meeting minutes of September 2008 as written. The vote was unanimous and the motion carried.

Treasurer's Report

A motion was made by Councilman Snyder, seconded by Councilman Fuchs, to approve the September 2008 Treasurer's Report subject to audit. The vote was unanimous and the motion carried.

Accounting Report

Ms. Klauder read the accounting report as submitted by Ms. Thompson.

Police Department Report

Capt. Melvin reported the current information in the police report including traffic arrests and warnings. (See attachment #3) He invited the residents to attend the annual Delaware Night Out scheduled for Thursday, October 30th at the Camden Wal-Mart shopping center from 6:00 p.m. – 8:00 p.m.

Capt. Melvin also informed the residents of a burglary at the Camden-Wyoming Sewer and Water Authority maintenance building located on Brenda Lane. He stated the two (2) stolen trucks have been recovered and are currently being processed.

Town Manager Report

Mayor Mooney asked Ms. Klauder to read the Town Manager report. She stated Mr. Murline did not submit a report this month.

Mayor Mooney reported the new municipal building was approximately 65% complete. In addition he stated that senior discount amendment is currently being reviewed and reworked.

Land Use Report

Ms. Klauder read the current Land Use information, including but not limited to action taken by the Board of Adjustment, intake of permits, and scheduled inspections. (Please see Attachment #4)

Code Enforcement

Mr. Scott was not present to provide a report.

CWSWA

Mr. Dyer stated that the CWSWA budget was passed and there would not be an increase in rates in 2009. He explained that while the budget has decreased they were able to hire additional staff thereby saving money by providing in-house reviews versus using Alpine or Larimore.

Mr. Dyer explained that representatives from the CWSWA will be meeting with the insurance adjusters regarding the burglary and stolen equipment. He commented that the CWSWA will make inquiries about security systems. Mayor Mooney suggested the CWSWA coordinate with the Police Chief regarding security.

CWFD

Mr. Scott was not present to provide a report.

Annexation Committee

Langford Associates

Councilman Babbitt recommended tabling the Annexation Report for the Langford Associates property as he has not been able to give due diligence to this review. He further indicated that the Messrs. Maly and Fifer had valid concerns regarding possible contamination resulting from past uses.

Mayor Mooney questioned the fees listed in the in the report. Councilman Babbitt stated that a dollar amount comparable to other properties.

Resolution 2008-R-16 "Town Seal"

Ms. Klauder read Resolution 2008-R-16 "Town Seal" in its entirety.

Mayor Mooney announced that Mrs. Shirley Plumley is the artist/designer of the proposed seal. He stated he would like to recommend tabling the vote until next month in order to allow for Mr. Plumley to be present.

Motion made by Councilman Snyder, seconded by Councilman Fuchs, to table Resolution 2008-R-16 to the November 3rd meeting. The vote was unanimous and the motion carried.

Public Hearing

Motion made by Councilman Fuchs, seconded by Councilman Babbitt, to recess the regular session and open the public hearing. The vote was unanimous and the motion carried.

Ordinance #2008-O-16 “Public Health & Safety Including Nuisance” (Cont’d from 9/8/08)

Ms. Klauder read the above referenced ordinance by title only.

Mayor Mooney opened the floor to the Council then public for comments either in favor or opposed to the ordinance. Hearing none, the public comment was closed.

Ordinance #2008-O-17 “Senior Discount”

Mayor Mooney stated this ordinance was not ready for a final vote. He recommended tabling the ordinance.

Ordinance #2008-O-18 “Abandoned Residential Properties”

Mayor Mooney opened the floor to the Council then public for comments either in favor or opposed to the ordinance.

JOHN FIFER – 12102 Willow Grove Road

Mr. Fifer asked if the Town would assume ownership of the contaminants of the property once it becomes abandoned. Mr. Eliassen explained that the ordinance relates specifically to residential properties not commercial or industrial.

ROGER WHITNEY – 225 Cambridge Road

Mr. Whitney asked if a copy of the ordinance will be available online. Mayor Mooney stated that it would once it has been adopted.

Amendment to Ordinance #96 “Zoning Ordinance”

Ms. Klauder read the above referenced ordinance by title only.

Mayor Mooney opened the floor to the Council then public for comments either in favor or opposed to the ordinance.

RICHARD MALY – 20 Raze Lane

Mr. Maly asked why the matter was before the Council without having first received recommendation from the Planning Commission. Mayor Mooney explained to Mr. Maly that the Council is not bound by recommendation of the Planning Commission relative to this type of amendment and believes that the Town Has received recommendations from the Mr. David Edgell of the Office of State Planning.

Ms. Klauder explained that this matter was put before the Planning Commission in April of this year at which time a committee was formed. They were unprepared to speak on this matter at their meeting in May and she was not aware of any recommendations put forth at their meeting in June as she had been on Medical Leave until September. Chairman Hart of the Planning Commission stated that they had not made a decision at the June meeting and they had not had a meeting since.

Mayor Mooney stated that while the Council was not bound to a recommendation from the Planning Commission he would entertain tabling the matter until the November 3rd meeting; however if the Planning Commission was not prepared to give a recommendation at that point, Council would move forward without it.

Motion made by Councilman Fuchs, seconded by Councilman Snyder, to close the public hearing and reopen the regular meeting. The vote was unanimous and the motion carried.

Old Business

Formal Action on Second Readings of Ordinances as read in Public Hearing

Motion made by Councilman Fuchs, seconded by Councilman Snyder, to adopt Ordinance #2008-O-16 “Public Health & Safety Including Nuisance”. The vote was unanimous and the motion carried.

Motion made by Councilman Fuchs, seconded by Councilman Babbitt, to table Ordinance #2008-O-17 “Senior Discount”. The vote was unanimous and the motion carried.

Motion made by Councilman Snyder, seconded by Councilman Fuchs, to adopt Ordinance #2008-O-18 “Abandoned Residential Properties”. The vote was unanimous and the motion carried.

Motion made by Councilman Fuchs, seconded by Councilman Snyder, to table Amendment to Ordinance #96 “Zoning Ordinance”. The vote was unanimous and the motion carried.

At this time Councilman Babbitt questioned the sign ordinance specifically branding signs on buildings. Ms. Klauder stated that our ordinance for signage is very strict and does prohibit more than one wall-mounted sign.

Councilman Babbitt expressed his concern for hardships to certain business owners who may be required by brands carried in their store to display signs. Ms. Klauder stated that each store affected by such demands may apply for variance relief.

LAURIE VAN ROOTEN – 144 S. Hairgrove Lane

Ms. van Rooten expressed her concern for residents attempting to identify business between Route 13 and Wal-Mart Drive as the existing signage faces 13. She stated prohibiting signs on the rear of the building makes it difficult for consumers attempting to identify the stores when coming from Wal-Mart or Thomas Harmon Drive. Chairman Hart stated that was his reason for introducing the proposed changes to the sign ordinance in the Amendment to Ordinance #96.

Mr. Eliassen stated that the Town wants to have a standard that is reasonable and you have a Board of Adjustment that is capable of dealing with variance requests for “hardship” requests. Councilman Babbitt stated he was satisfied that there was the option of seeking variance relief from the Board of Adjustment.

Motion made by Councilman Babbitt, seconded by Councilman Fuchs, to table Resolution #2008-R-16 “Town Seal”. The vote was unanimous and the motion carried.

New Business

Amendment to Resolution #2008-R-11 “Savannah Property”

Ms. Klauder read the above referenced resolution in its entirety, explaining the only change was listing both the Equitable Owner and Owners of Record. Mr. Eliassen stated he was in concurrence with the amendment.

Motion made by Councilman Babbitt, seconded by Councilman Fuchs, to adopt the Amended Resolution #2008-R-11 “Savannah Property”. The vote was unanimous and the motion carried.

Annexation Request – Tieman Property

Ms. Klauder read the annexation request for the Tieman Property in its entirety.

Mayor Mooney appointed: Mr. Merritt Burke, resident; Mr. John Green, business owner; and Councilman Richard Snyder as Chairman to the annexation committee.

Public Comment

GEORGE “JODY” SWEENEY – Moose Lodge Road

Mr. Sweeney invited everyone to attend the Caesar Rodney Homecoming event to be held on October 24th.

BRIAN BUSHWELLER – Candidate for Senate 17th District

Mr. Bushweller briefly explained his quest for the 17th District Senate Seat and his platform for intergovernmental cooperation.

JOHN FIFER – 12102 Willow Grove Road

Mr. Fifer expressed his desire for the Towns of Camden and Wyoming to work out an agreement wherein the Towns would hold their meetings on different nights in order for residents with vested interests in both Towns a chance to attend.

Mayor Mooney stated he would be amenable to Wyoming holding their meeting on different night.

Executive Session

At 9:08 p.m. motion made by Councilman Fuchs, seconded by Councilman Babbitt, to recess the regular meeting and open the executive session. The vote was unanimous and the motion carried.

Motion made by Councilman Snyder, seconded by Councilman Fuchs, to recess executive session and re-open the regular meeting.

Adjournment

At 9:39 p.m. a motion was made by Councilman Snyder, seconded by Councilman Babbitt to adjourn the regular meeting. The vote was unanimous and the motion carried.

Charlotte L. Klauder
Land Use Administrator