

MAYOR & COUNCIL

October 2, 2017

Mayor Houlihan called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. In attendance were Vice Mayor Pase, Council Members Smith, Boyan and Holmes, Town Manager Bynum-King, and Clerk of Council Fisher. Guests: Delmar Police Chief Barkley, Gary Spence, Chris Brown and Chris Gilkerson.

Mayor's Comments

The Council performed the Pledge of Allegiance.

Mayor Houlihan asked if there was anyone who wanted to address the council to sign in at the podium.

Mayor Houlihan announced that last Thursday at the Delaware League of Local Governments annual meeting they held an awards ceremony for the 2017 Clerk of the Year and the 2017 Town Manager of the Year. Mayor Houlihan said that he made a special nomination for one of those awards. Clerk of Council Cindy Fisher was named the 2017 Delaware Clerk of the Year. Everyone congratulated Clerk of Council Fisher.

Resolution 2017-10-02 Halloween

Mayor Houlihan read the Halloween Resolution which indicated that the Town of Delmar will be celebrating Halloween on Tuesday, October 31, 2017 with trick or treating between the hours of 6 p.m. to 8 p.m. There will be no Mischief Night anywhere in the corporate limits of Delmar.

Council Member Smith made a motion to approve Resolution 2017-10-02 as read. Vice Mayor Pase seconded the motion which passed with 5 ayes and 0 absent.

Approval of Minutes

Vice Mayor Pase made a motion to approve the September, 2017 minutes as circulated. Council Member Boyan seconded the motion which passed with 4 ayes and Council Member Smith abstaining due to his absence last month.

New Business

St. Stephen's UMC- Road Closure for Fall Festival

Mayor Houlihan read the Special Event permit in which St. Stephen's UMC is requesting the closure of First Street from State Street to Grove Street from 7 a.m. to 3 p.m. on Saturday, October 21st. Mayor Houlihan said that this is something St. Stephen's Church does every year and the road closure is for the one block that the Church is located.

Motion for the approval of St. Stephen's being allowed to close First Street from State Street to Grove Street from 7 a.m. to 3 p.m. on Saturday, September 21st was made by Council Member Boyan. The motion was seconded by Vice Mayor Pase and passed with 5 ayes and 0 absent.

Ordinance # 169- First Reading- Adoption of the 2012 International Building Code

Mayor Houlihan read Ordinance 169 which is for the adoption of the 2012 Edition of the International Building Code, (including appendix chapters A,B,C,D,G & J) (the IBC”); Repealing Ordinance NO. 133, as such may have been amended, and all other ordinances and parts of ordinances in conflict therewith.

Town Manager Bynum-King said that currently the Town is operating under the 2000 Edition of the International Building Code. The Code Enforcement Officer suggested to be consistent with the County, The Town should adopt the 2012 Edition of the International Building Code.

Council Member Smith made a motion for the acceptance of the First Reading of Ordinance # 169, adopting the 2012 Edition of the International Building Code. Council Member Boyan seconded the motion which passed with 5 ayes and 0 absent.

Resolution No. 2017-10-02 setting a time, place and date for the Public Hearing for the adoption of Ordinance #169 of the 2012 Edition of the International Building Code.

Mayor Houlihan read Ordinance 2017-10-02 in its’ entirety announcing that the Public Hearing for Ordinance 169 will be held on Monday, November 6, 2017 at 7:15 p.m.

Council Member Boyan made a motion to accept Resolution No. 2017-10-02 stating that the Public Hearing for Ordinance # 169 will be held on Monday, November 6, 2017 at 7:15 p.m. The motion was seconded by Council Member Smith and passed with 5 ayes and 0 absent.

PUBLIC HEARING- Ordinance # 168- Amending the Zoning Ordinance by amending the definition of “Board” in Section 2; amending Section 10 to permit warehouses and wholesale distributors as a Use Permitted by Special Exception in Community Business District, and to amend provisions of Section 24 as to signs and to amend Section 26 as to site plans.

Mayor Houlihan said that Ordinance 168 was here for a Public Hearing after being advertised in the newspaper. He read Ordinance # 168 in its entirety.

Council Member Holmes made a motion to open the Hearing to public comments. Council Member Boyan seconded the motion which passed with 5 ayes and 0 absent.

Upon hearing no public comments, Vice Mayor Pase made a motion to close the public comment portion of the Hearing. Council Member Smith seconded the motion which passed with 5 ayes and 0 absent.

Council Member Boyan made a motion to approve Ordinance # 168 as presented this evening. Council Member Smith seconded the motion which passed with 5 ayes and 0 absent.

Committee Reports:

Student Advisory Report – no one was present to give a report. Mayor Houlihan did say that this is Homecoming weekend. The parade is this Saturday and starts at 11 a.m. The football game starts at 1:30 p.m. and the dance is that evening.

Town Manager Bynum-King said that she did send out email notifications to the Elected Officials about participating in the parade.

Police Chief's Report

Chief Barkley said that over the past few weeks there has been an arsonist at State Line Plaza. A young man is going around in the early morning hours setting the trash cans on fire. He said that his Department worked with the Delaware State Fire Marshalls Office in making an arrest. The suspect is currently being detained in Maryland and is awaiting extradition to Delaware. There are issues with the camera at State Line Plaza and he is working on replacing that camera.

Blue Heron Agility made a donation of \$1,000.00 for a bullet proof vest for K-9 Atilla. Officer Brown has completed his field training and should be patrolling on his own sometime this week. Cpl. Heacock was injured while on the job and will be getting surgery this Friday to repair a portion of his shoulder.

Code Enforcement Officer Report

Mayor Houlihan reviewed the reports that were included in the mail packets. Town Manager Bynum-King said that there have been some administrative glitches with code violations and ordinances but such things are being worked out.

Fire Department Report

There was no one present to give a report. Mayor Houlihan did say that they are advertising for their upcoming Sportsman's Give-A-Way which will be the first Saturday in November.

Utility Commission

Vice Mayor Pase reported that the contractors, Somerset Well Drilling, are on day 22 of the 90 day contract for the back-up well. It is a scale project with certified payroll and notifications that everything has been reviewed and is correct and has been sent to the State.

The bid opening took place for the improvements for the Pine Street Pump Station and TK Construction was the lowest bidder with the bid of \$140,585. The next closer bid was in the \$200,000 range. After a review, the Town's engineers made a recommendation to the Delmar Utility Commission accept the bid from TK Construction for \$140,585, which they did through a motion.

Vice Mayor Pase also informed the Council that the new wastewater treatment employee will be starting this week. He has 27 years of experience.

Public Works

Council Member Smith reviewed the report that was included within the mail packets. He also stated that the Director of Public Works did say that slip lining will be done on the Delaware sewer mains.

Planning & Zoning

Council Member Boyan reported on the following:

Chris Gilkerson- Devreco, Inc.- Revision to Conceptual Plan for Delmar Business Park, Lots 1 & 3, Zoned Community Business, Delmar, DE

Mr. Gilkerson said that they did receive a favorable recommendation last month for the plat they provided at the time. Tonight he is offering a revised concept elevation. The reason for the change is that Nanticoke Health Systems is leasing 6,000 sq. ft. of the building. Nanticoke already has their doctors signed on for the move. As

soon as all the permits are in place, then they can break ground.

After reviewing the revised plans, Council Member Smith gave a favorable recommendation for the revised elevation changes for the Delmar Business Park, Lots 1 & 3, zoned community business in Delmar, DE, per the attached paperwork. Council Member Holmes seconded the motion which passed with 5 ayes and 0 absent.

Gary Spence- Phillips Signs- Sign Replacement for Eastern Shore Systems, 512 Bi-State Blvd, Delmar, DE
Mr. Spence said that the building has been renovated and they are requesting a new lighted sign as well. The sign will be single faced and will be lit. The proposed size of 2 ft. by 16 ft. sign is smaller than the original 2 ft. by 32 ft.

Vice Mayor Pase made a motion to accept the favorable recommendation from Planning and Zoning for a new sign for Eastern Shore Systems located at 512 Bi-State Blvd. The motion was seconded by Council Member Holmes and passed with 4 ayes and Mayor Houlihan abstaining due to his financial involvement in the building.

Chris Brown- Ryan Homes- Approval of Homestyle 2203 for Yorkshire Estates, Delmar, DE
After reviewing the house, style 2203, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission to include home style 2203 in the styles of homes approved for Yorkshire Estates, Delmar, DE, per the attached drawing. Vice Mayor Pase seconded the motion which passed with 4 ayes and Council Member Holmes abstaining due to residing in Yorkshire Estates.

Chris Brown- New Home Construction at 36435 Carriage Walk Lane, Lot 94, Yorkshire Estates, Delmar, DE; Home Style 1680
Council Member Smith made a motion to approve the recommendation from the Planning and Zoning Commission for new home construction at 36435 Carriage Walk Lane, Lot 94, Yorkshire Estates, Delmar, DE, Home Style 1680, per the attached plans. The motion was seconded by Council Member Boyan and passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- New Home Construction at 36439 Carriage Walk Lane, Lot 95, Yorkshire Estates, Delmar, DE; Home Style 2203
Vice Mayor Pase made a motion to approve the recommendation from the Planning and Zoning Commission for new home construction at 36439 Carriage Walk Lane, Lot 95, Yorkshire Estates, Delmar, DE, Home Style 2203, per the attached plans. The motion was seconded by Council Member Smith and passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- New Home Construction at 36441 Carriage Walk Lane, Lot 96, Yorkshire Estates, Delmar, DE; Home Style 1918
Council Member Smith made a motion to approve the recommendation from the Planning and Zoning Commission for new home construction at 36441 Carriage Walk Lane, Lot 96, Yorkshire Estates, Delmar, DE, Home Style 1918, per the attached plans. The motion was seconded by Vice Mayor Pase and passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- New Home Construction at 36443 Carriage Walk Lane, Lot 97, Yorkshire Estates, Delmar, DE; Home Style 1918
Council Member Smith made a motion to approve the recommendation from the Planning and Zoning Commission for new home construction at 36443 Carriage Walk Lane, Lot 97, Yorkshire Estates, Delmar, DE, Home Style 1918, per the attached plans. The motion was seconded by Council Member Boyan and passed with 4

ayes and Council Member Holmes abstaining.

Chris Brown informed the Council that these homes have already been sold and that she would probably be back next month with 6 more.

Town Manager's Report

Town Manager Bynum-King said that Heritage Day was successful. It was overall well attended, everyone seemed to have a good time and the vendors liked their locations. She offered kudos to the staff, elected officials, the police department, the public works department and everyone who volunteered to help.

The auditors wrapped up their field work last Friday. The process went very well. They are still asking for documentation but they are off site. The audit is ahead of schedule and is moving in a good direction.

Town Manager Bynum-King said that the Town has received notification from the State of Maryland that we have received funding in the amount of \$44,680 for the repair of the pavilion at Gordy Park. The Town has also requested \$20,000 in grant funding which will match the \$20,000 that was allocated in this years' budget for the improvement to the Tot Lot at State Street Park.

The Town Manager said that she did submit a letter to Representative Dukes asking for funding for paving the municipal parking lot and doing significant patching in different areas in Town. She did not realize that Rep. Dukes was in the hospital at the time, she requested that everyone keep him in their prayers. Today from his hospital bed, he approved the funding of \$30,500 for the paving of the municipal parking lot and the other areas around Town.

Town Manager Bynum-King said that she is still working on the revisions of the building permit application and the vacant property listing.

Commission Comments

Council Member Boyan said that he thought Heritage Day went very well.

Council Member Smith congratulated Clerk of Council Fisher on being named the Clerk of the Year for the State of Delaware. He also asked for prayers for those in Las Vegas who were injured in the gunfire.

Vice Mayor Pase informed everyone that on Halloween, there will be little ones out and about and for drivers to be mindful of them. She said that the Police Department did a wonderful job last year and will be out again this year.

Mayor Houlihan said that Heritage Day was a nice day. He thanked everyone who was involved in making that day happen.

Vice Mayor Pase said that everyone should get to know their neighbors and that maybe everyone could get along better.

Adjournment

Council Member Boyan made a motion for adjournment which was seconded by Vice Mayor Pase. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher
Clerk of Council