

MAYOR & COUNCIL

November 6, 2017

Vice Mayor Pase called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. In attendance were Mayor Houlihan (late arrival), Vice Mayor Pase, Council Members Smith, Boyan and Holmes, Town Manager Bynum-King, and Clerk of Council Fisher. Guests: Susan Upole, Tucker Ellis, Holly McGown, Chris Brown, Mark Welsh, Chris Gilkerson, Robert Fleming, and Police Chief Barkley.

Mayor's Comments

Vice Mayor asked for a moment of silence for the tragedy that happened over the weekend in Texas.

After the moment of silence, she informed everyone that Mayor Houlihan will be late to the meeting. He is currently at the Fire Department swearing in the new officers.

Approval of Minutes

Council Member Smith made a motion to approve the October, 2017 minutes as circulated. Council Member Boyan seconded the motion which passed with 4 ayes and 1 absent (Mayor Houlihan arrived late).

New Business

Oath of Office- Parks and Recreation Council

Vice Mayor Pase administered the Oath of Office to Holly McGown as a Delaware resident member of the Parks and Recreation Council.

FY17- Financial Audit- Mark Welsh-TGM, Group

Mr. Welsh stated that the Council should have 2 binders in front of them; one for Delmar, Delaware and one for the Utility Commission. He directed them to the Independent Auditors Report in the Delmar, Delaware binder. The Town of Delmar, Delaware received an "unmodified opinion", which is the highest standard given for governmental reporting. He said that the Management Discussion Analysis page is the highlight page of the budget; it is only a few pages long and is an easy read. It tells where the Town is financially as it is written by management. The summary sheet and graphs indicate that the Town of Delmar, Delaware has been steady over the last 4 years. Well over \$1Million in cash has been maintained.

Mr. Welsh also reported that the Capital Assets are around \$2.7 Million, and Long Term Debt is \$390,462 which has been increasing a little but the Town has been paying it down. Net Income is \$125,415 from Revenues over Expenditures and your fund balance is over \$1.2 Million. The report indicates that the Town of Delmar, Delaware has maintained its' consistency and balance and the Town is being managed well financially.

Mr. Welsh now turned to the Utility Commission Audit Report. The Delmar Utility Commission also received an "unmodified opinion", which is the highest standard given for governmental reporting. The Utility Commission has \$2.4 Million in cash and for the past 4 years the Utility Commission has maintained right around that figure. The debt is slowly declining from \$3.5 Million to \$2.8 Million. The Utility Commission did lose about \$515,000 in Net Assets but you have to take into account the Utility Commission had \$1 Million in depreciation. There have

been a lot of investments, cash has increased by \$60,000 from last year.

Mr. Welsh said that the audit was finalized on October 27th and Council knew how to reach him if they had any questions.

Public Hearing- Ordinance 169- Adopting the 2012 Edition of the International Building Code

Mayor Houlihan said that the Council had the first reading of Ordinance 169 in October and it is scheduled for a Public Hearing this evening. Mayor Houlihan read Ordinance 169 in its' entirety.

Vice Mayor Pase made a motion to open the discussion to the public. Council Member Boyan seconded the motion which passed with 5 ayes and 0 absent.

Upon hearing no public comments, Council Member Boyan made a motion to close the discussion portion for public comments. Council Member Holmes seconded the motion which passed with 5 ayes and 0 absent.

Vice Mayor Pase made a motion to accept Ordinance 169 as read. Council Member Smith seconded the motion which passed with 5 ayes and 0 absent.

Old Business-

Susan Upole- Director of Delmar Public Library- Construction Updates

Mrs. Upole said that progress can be seen at the construction site. The trusses and sheathing are being installed and the windows and doors are on site as well as the HVAC unit. She said that the completion date has been moved back to March 12, 2018. Around that time, the services at the temporary Library location will be suspended while they set up at the old location. Also the customers will be referred to the Laurel Public Library or the Wicomico Public Library during the relocation process.

Mrs. Upole said that the Library has responded to the concerns of the Council Members and residents. The construction crew has moved parking away from the Grove St. and Bi-State Blvd. intersection. She said that there was damage done to the fencing at the site by a hit and run driver earlier this fall. They continue to raise funds for the construction even though they have secured all the funding in hopes of working down the mortgage faster.

Mrs. Upole thanked the Mayor and Council for their support throughout the project. She also thanked Town Manager Bynum-King for her work with Rep. Dukes and Sen. Richardson requesting their discretionary State funds in support of the new parking areas. Also, she thanked the Town Manager for responding to Becker Morgan about the long-standing drainage problem at the corner of Grove St. and Bi-State Blvd. The Town's Engineer will be working with the Town's Public Works Director to assess the drainage issues along the area and will be providing the Town with some options and cost estimates.

Mayor Houlihan said that the transformation is quite different than how it appeared on paper. He thanked her for the update.

Committee Reports:

Student Advisory Report

No one was at the meeting to give a report. Mayor Houlihan said that this is the last home football game of the season. Veterans will be acknowledged and honored before the game which starts at 7:30 p.m. He also said that the

Delmar Field Hockey team will be hosting a playoff game at 1:00 p.m. this Saturday at home.

Police Chief's Report

Chief Barkley reported that Communications Officer Ed Ferro's mother-in-law passed away. He asked everyone to keep that family in their prayers.

The golf tournament went very well. They are now working on the one for next year.

The Department has made 4 arrests for vehicle break-ins which really has slowed that activity down. He said with the holidays fast approaching, it is the season for armed robberies. There was one at the Dollar General 2 weeks ago. No one was hurt but there was money taken. Halloween went well. There were extra officers working that evening. There was one incident with a vehicle being painted but it was a domestic issue and had nothing to do with trick-or-treaters.

Chief Barkley said that if anyone notices the Officers faces looking a little scruffy, his Department is participating in No Shave November. The proceeds are going towards the family whom they adopt for the holidays.

His Department has been working with the bus drivers with the situation on Lincoln Avenue. They are already redirecting the bus drivers. Chief said that the department is doing an assessment which established, at different time frames, the end of Lincoln Avenue to be a No Parking zone. There is no need for permanent markings at this time but will seek Council consideration in the near future if necessary.

Code Enforcement Officer Report

Mayor Houlihan reviewed the report that was included in the mail packets. Town Manager Bynum-King said that things are slowing down with grass violations. Now the focus is more on abandoned vehicles and debris in the yards.

Fire Department Report

There was no one present to give a report. Mayor Houlihan said that he has just come from the Fire Department, having sworn in Shawn Johnson as Chief and Joey Morris, Jr., as President. Mayor Houlihan said that at the swearing in ceremonies, he suggested that a report could be given to Town Hall prior to meetings and it can be available for the Mayors to read instead of having a representative at the Council meetings, since the Fire Department meetings are on the same night and time.

Utility Commission

Vice Mayor Pase reported that there was a progress meeting for the back-up well on October 25th. The contractors are in day 50 of the 90 day project. The completion date is December 4th. The contract for the Pine Street Pump Station Project has been awarded but the Town is waiting on the MDE and State review and recommendation.

The Town received a letter from the Office of Drinking Water in reference to the most current survey and they found no visible defects.

Public Works

Council Member Smith reviewed the report that was included in the mail packets.

Planning & Zoning

Council Member Boyan reviewed the following:

Chris Gilkerson- Devreco, Inc.- Final Plat Approval for Delmar Business Park, Delmar, DE

Mr. Gilkerson informed the Mayor and Council that they did receive a favorable recommendation from the Planning and Zoning Commission for a conditional final approval. They need to be compliant with DeIDot, the Sussex Conservation and they are working with DB&F with their final comments to secure a Public Works Agreement with the Town.

Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for final approval for the Delmar Business Park located in Delmar, DE contingent that the proper permitting, licenses and compliance from DeIDot be completed, the Public Works Agreement with the Town be finalized and addressing the comments from the Town's engineers, per all the documentation reviewed. Council Member Holmes seconded the motion which passed with 5 ayes and 0 absent.

Donald Ellis- Variance Request for Property Line Change- 105 and 103 E. Jewell Street, Delmar, DE

Mr. Ellis provided a revised survey showing both properties and the proposed property line change. He stated that the main reason he wanted to extend his property line at 105 E. Jewell Street is to widen his driveway by 3 feet so he can park his 2 cars in the driveway.

Mr. Ellis informed the Mayor and Council that he has been informed that since 103 E. Jewell Street has 2 owners listed, at least one of them will need to be present at the Delmar Board of Adjustments meeting for the variance request hearing and that the one owner present should have a notarized letter from the other owner stating that he has the authority to speak for him as well. He stated that he already has a meeting date with the Delmar Delaware Board of Adjustments of December 12th. Mayor Houlihan said that it will be a Public Hearing and be advertised in the newspaper as well as the property being posted. He will have to prove a hardship other than financial.

Vice Mayor Pase made a motion to accept the favorable recommendation of the Planning and Zoning for Mr. Ellis and his variance request to move forward to the Delmar, Delaware Board of Adjustments for the proposed property lot line change between 105 and 103 E. Jewell Street, Delmar, DE, adding 3 feet to the 105 Jewel Street property and making the other property not in compliance, per the attached drawings. It is noted that Mr. Ellis has been informed of the need to have at least one of the property owners of 103 E. Jewell Street present at the meeting and that individual will need to have an authorized letter from the second property owner, authorizing his speaking on behalf of the owner not present. Council Member Smith seconded the motion which passed with 5 ayes and 0 absent. That meeting date with the DE BD of Adjustments will be Tuesday, December 12th at 7:30 p.m. It will be a scheduled Public Hearing at Delmar Town Hall.

Chris Brown- Ryan Homes, Yorkshire Estates, 36427 Carriage Walk Lane, Lot 91, Home Style 2203, Delmar, DE

After reviewing the plans provided, Council Member Smith made a motion to approve the Planning and Zoning Commission's recommendation for final approval for a new home build Style 2203, for Ryan Homes on Lot 91 at 36427 Carriage Walk Lane, in Yorkshire Estates, Delmar, DE. The motion was seconded by Council Member Boyan and passed with 4 ayes and Council Member Holmes abstaining due his residing in Yorkshire Estates.

Chris Brown- Ryan Homes, Yorkshire Estates, 36429 Carriage Walk Lane, Lot 92, Home Style 1918, Delmar, DE

There was some discussion on this home-style being the same as the neighbors. Mrs. Brown provided a letter from the home buyer at this Lot stating that he is okay and he is aware that the neighbor's house is the same home-style

with a different elevation. After reviewing the plans provided, Council Member Smith made a motion to approve the Planning and Zoning Commission's recommendation for final approval for a new home build Style 1918, for Ryan Homes on Lot 92 at 36429 Carriage Walk Lane, in Yorkshire Estates, Delmar, DE. The motion was seconded by Vice Mayor Pase and passed with 4 ayes and Council Member Holmes abstaining due his residing in Yorkshire Estates.

Chris Brown- Ryan Homes, Yorkshire Estates, 36433 Carriage Walk Lane, Lot 93, Home Style 1918, Delmar, DE
There was some discussion on this home-style since it is the neighbor to Lot 92 of the previous approval. Mrs. Brown provided a letter from this home buyer for this Lot stating that he is okay and he is aware that the neighbor's house is the same home-style with a different elevation. After reviewing the plans provided, Council Member Smith made a motion to approve the Planning and Zoning Commission's recommendation for final approval for a new home build Style 1918, for Ryan Homes on Lot 93 at 36433 Carriage Walk Lane, in Yorkshire Estates, Delmar, DE. The motion was seconded by Council Member Boyan and passed with 4 ayes and Council Member Holmes abstaining due his residing in Yorkshire Estates.

Chris Brown- Ryan Homes, Yorkshire Estates, 36434 Carriage Walk Lane, Lot 114, Home Style 1918, Delmar, DE
After reviewing the plans provided, Vice Mayor Pase made a motion to approve the Planning and Zoning Commission's recommendation for final approval for a new home build Style 1918, for Ryan Homes on Lot 114 at 36434 Carriage Walk Lane, in Yorkshire Estates, Delmar, DE. The motion was seconded by Council Member Smith and passed with 4 ayes and Council Member Holmes abstaining due his residing in Yorkshire Estates.

Chris Brown- Ryan Homes, Yorkshire Estates, 36436 Carriage Walk Lane, Lot 115, Home Style 1296, Delmar, DE
After reviewing the plans provided, Council Member Smith made a motion to approve the Planning and Zoning Commission's recommendation for final approval for a new home build Style 1296, for Ryan Homes on Lot 115 at 36436 Carriage Walk Lane, in Yorkshire Estates, Delmar, DE. The motion was seconded by Vice Mayor Pase and passed with 4 ayes and Council Member Holmes abstaining due his residing in Yorkshire Estates.

Chris Brown- Ryan Homes, Yorkshire Estates, 36440 Carriage Walk Lane, Lot 116, Home Style 2203, Delmar, DE
After reviewing the plans provided, Vice Mayor Pase made a motion to approve the Planning and Zoning Commission's recommendation for final approval for a new home build Style 2203, for Ryan Homes on Lot 116 at 36440 Carriage Walk Lane, in Yorkshire Estates, Delmar, DE. The motion was seconded by Council Member Smith and passed with 4 ayes and Council Member Holmes abstaining due his residing in Yorkshire Estates.

Chris Brown- Ryan Homes, Yorkshire Estates, 36442 Carriage Walk Lane, Lot 117, Home Style 1918, Delmar, DE
After reviewing the plans provided, Council Member Boyan made a motion to approve the Planning and Zoning Commission's recommendation for final approval for a new home build Style 1918, for Ryan Homes on Lot 117 at 36442 Carriage Walk Lane, in Yorkshire Estates, Delmar, DE. The motion was seconded by Council Member Smith and passed with 4 ayes and Council Member Holmes abstaining due his residing in Yorkshire Estates.

Mayor Houlihan informed the Council that the daycare facility that came before the Council and then before the Delmar, Delaware Board of Adjustments for a special exception to have a daycare facility in a Community Business District was granted the Special Exception. Currently there is a Church renting out the other half of the

building, but by the end of the year, the Church will be gone and the daycare will be renting the whole building.

Town Manager's Report

Town Manager Bynum-King reported that they are in the process of finalizing the Public Works Agreement for the Delmar Business Park and a draft for the Perdue Agribusiness Park. The Town engineer will review both and then they will be forwarded to the Town Attorney.

The concrete flooring has been poured and finished off at the pavilion in State Street Park. Two additional pads have been poured for additional benches at the Park.

The Office and Services will be closed the Friday, November 10th to honor Veterans Day and then again on November 23rd and 24th in observance of Thanksgiving.

The Chamber of Commerce's Christmas Parade is being held on Saturday, December 2nd. The Town Manager said that usually the Chamber sends out individual applications to the homes of the Elected Officials. Anyone who wishes to have her enter their names as a group to get up with her.

The street holiday lights and banners will go up the week before the parade. Also as a reminder the Holiday Staff and Volunteer Recognition Party will be held on Saturday, December 8, 2017 at the V.F.W. Anyone who wishes to go will need to RSVP with the Clerk of Council.

Town Manager Bynum-King said that the audit went very well and it was completed a lot earlier than those in the past. She restated what was said by the auditor, Mr. Welsh that Delmar, DE maintained consistency and that the finances are managed well. Mayor Houlihan said that is a reflection on both the Town Manager and the Financial Officer. Town Manager Bynum-King said that she appreciates all the support from the Elected Officials.

Commission Comments

Council Member Marshal said that he is disturbed with all the new development in Yorkshire Estates that consideration needs to be given to address all the additional parking that will occur especially since there already are parking issues. He said at one time there was going to be townhouses in front, but since that idea has been scratched, he thought that maybe the Town could talk with the developers and use the land for a paved parking area along with a play area for the kids. Mayor Houlihan said for something like that there would have to be a meeting with the developer.

Town Manager Bynum-King said that she and Council Member Holmes have been in conversations where she informed him that the development already has an approved plan. There have already been several modifications to the plan by the developer. The Lots in Phase II are a lot larger. There are some open space areas in the development that could be used as Open Space, but the Town cannot force the developer to use the open Lots as Open Space. The paving of the area could cause run-off that will have to be addressed. It does appear that additional parking is needed in Yorkshire Estates since not everyone uses their garages for parking. There are a lot of variables to look at. Maybe a meeting with the developer is needed and if they agree, then they would have to go through the review process through Planning and Zoning since the Lots are already approved for single family homes.

Council Member Holmes stated that there is not an HOA at Yorkshire Estates so there is no mandate to how many cars a single family can have. Resident and Planning and Zoning Member Beverly Wilson said that she believed that there is a Declaration of Covenants and if there is, she will provide a copy to the Town Manager.

Council Member Boyan said that Halloween went very well.

Council Member Smith said that he will be in Hartford County next Wednesday to pick up the Christmas Tree to be placed in State Street Park. The date for the lighting of the tree is Sunday, December 3rd with the rain date being Sunday, December 10th.

Vice Mayor Pase said that she was very impressed with the children that came to her house trick-or-treating. They were very polite and did not need reminding to say “thank-you”. She also said that with the time change it gets darker quicker and with the holiday season approaching makes it ideal for opportunists.

Mayor Houlihan thanked Vice Mayor Pase for starting the meeting in his absence. He said this past week was the Citizen of the Year banquet where Russell Smart was honored. Mayor Houlihan said that Mr. Smart was very humbled and that the award was very much deserved.

Public Comments

Resident Robert Fleming was present this evening to get an update on the drainage issue on Grove Street. Town Manager Bynum-King said that as of yet, she has not received an update. She said that the Public Works Director and the Town Engineer would be providing to her that information. He said that he is hoping for a fix real soon since every time it rains it floods his crawl space underneath his house.

Next, Mr. David Gibson introduced himself and informed everyone that he is teaching a course on the Constitution at the New Life Mission starting this Wednesday. He said that he has been teaching this course based on our founding fathers belief that there is a God. He passed out flyers and said that everyone is invited and that it is a 2 hour course for 6 evenings.

The Pastor of New Life Mission thanked all of Delmar for making New Life Mission feel welcome. He thanked all for their support and kindness and they are happy to be here. He thanked the Town for letting them be a part of the Town.

Adjournment

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

Submitted by:

Cindy Fisher

Clerk of Council