

MAYOR & COUNCIL

March 5, 2018

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, Delmar Police Chief Barkley and Clerk of Council Fisher. Guests: Alex Moore, Chris Brown, Robert Fleming, Kirtan Patel, Rob Fleming, Jennifer Tolbert and Andrew Black.

Mayor's Comments

Mayor Houlihan welcomed everyone and asked anyone who would be addressing the Council this evening to please sign in at the podium. He informed everyone that last Monday a Career Day was held at the High School and he thanked the Administrative Staff along with the Town Manager for manning the table and speaking with the students.

Approval of Minutes

Vice Mayor Pase made a motion to approve the February, 2018 minutes as circulated. Council Member Boyan seconded the motion which passed with 5 ayes and 0 absent.

New Business

Oath of Office- Delmar Parks and Recreation Council

Mayor Houlihan administered the Oath of Office to Herman Ward for the Parks and Recreation Council.

Municipal Street Aid Grant

Mayor Houlihan informed everyone that he had a notice provided by the Supervisor of Finances that she needed to have read into the record. Mayor Houlihan did read that the Town has received a total of \$35,344.83 from the State of Delaware for Municipal Street Aid for fiscal year 2017. All grant funds were expended accordingly. The Town will be transferring \$35,349.24 from the Municipal Street Aid account into the Delaware General Fund Account. That number is composed of \$35,344.83 from the current year grant and \$4.41 balance carried forward from previous years. As required by the grant's standards, a formal motion is needed.

Council Member Smith made a motion to transfer monies from the Municipal Street Grant account into the Delmar, Delaware General Fund Account for reimbursement of the allowable expenditures in the amount of \$35,349.24. Council Member Holmes seconded the motion which passed with 5 ayes and 0 absent.

Committee Reports:

Student Advisory Report

There was no one present to give a report. Mayor Houlihan stated that spring practice and try-outs started last week. This Saturday night is the high school's Annual Gala for the Delmar Foundation for Education.

Police Chief's Report

Chief Barkley reported that last week there was an incident on Lincoln Avenue that started with a custodial issue. Three young children were exposed to narcotics in the house. The Police Department issued a search and seizure

warrant and arrested 3 individuals. The State of Delaware has removed the children.

Chief reported that there is a group of individuals using “LET IT GO” to take money from some of our citizens. They have identified the person who is working the Delmar area and the Delmar Police Dept. is working with other law enforcement agencies to identify all the individuals involved.

Chief Barkley informed everyone that the individual who was involved with the breaking out windows to get into vehicles has been identified and was incarcerated. But, the individual has been released on his own recognizance and has offended again.

He said that he meant to bring an example of the t-shirts they are using to further their community endeavors. They will be sponsoring a Little League team this year and a Pop Warner team in the fall. The money raised from the t-shirts and the golf tournament will go towards sponsoring a family again this year at Christmas so they are not touching any of the tax payers’ money.

Code Enforcement Officer Report

Town Manager Bynum-King said that there is not a report in their packets from Code Enforcement. We are currently going through a transition since the Code Enforcement Officer we had for 27 years has retired. We are in the process of filling that position.

Fire Department Report

No one was present at the meeting to give a report. Mayor Houlihan said that their meeting is the same day and time as this one.

Utility Commission

Vice Mayor Pase reported that the back-up well is completed and moving forward. There is a pre-construction meeting scheduled for the Pine Street pump station upgrade on March 9th. The advertisement for bids for the Grove Street water main upgrade will be in the papers on March 21st. Hopefully the project will start around June 4th and ending on Sept. 4th prior to school starting in the fall.

Public Works

Council Member Smith reviewed the report that was included within the mail packets. Mayor Houlihan confirmed with the Town Manager that interviews are taking place for the general labor position.

Planning & Zoning

Council Member Boyan reviewed the following recommendations from Planning and Zoning:

Kirtan Patel- Sign Approval for Tax-Free-Fine Wine & Good Spirits located at 10977 State St., Unit 5, Delmar, DE

Mr. Patel informed the Council that he is relocating his business to the vacancy left by Atlantic Pawn. The size of the new sign is the same as the previous Atlantic Pawn sign. Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation.

Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a sign for Tax Free- Fine Wine & Good Spirits to be located at 10977 State Street, Unit 5, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 5 ayes and 0

absent.

Marcus Clark- Sign Approval (LEEGAR 1950) for 9 W. Jewell Street, Delmar, DE

Mr. Clark was not present at the meeting.

Council Member Boyan informed the Council that Mr. Clark inherited the church property from his father. Mr. Clark did say that he had spent time living there. He used the building as a music studio for himself and his friends. It is not going to be used as a commercial property. The sign is a tribute to his father.

Town Manager Bynum-King stated that in regards to the property, the building was converted to a church. There is something happening at the property and the Town is not sure what it is. There is reason to believe individuals are living in the building, possibly with children. The property is not zoned residential and the building is not constructed for habitation. If the sign is allowed as a tribute to his father, she wants to ensure that the Town can perform some kind of inspection on the property to ensure nothing else is happening on the premises.

Mayor Houlihan tabled the motion since Mr. Clark is not present this evening.

Chris Brown- Ryan Homes- New Home Build on Lot 106, House Model 1296, Elevation A, 11518 Buckingham Drive, Yorkshire Estates, Delmar, DE

Chris Brown introduced Alex Moore who would be discussing a change in the build on Lot 106. Mr. Moore said that they ran into a conflict with the layout of the house, specifically the location of the driveway. A fire hydrant will be in the middle of the driveway, so they need to flip the layout of the house. Nothing is changing except that the house will be flipped so the fire hydrant will not be located in the driveway. No structural changes and no color changes. Council Member Boyan said that the flipping of the house plans is nothing that Planning and Zoning would have to vote on.

Vice Mayor Pase made a motion to approve Planning and Zoning's recommendation based on the house plans presented this evening, March 5th at the Mayor and Council meeting for Lot 106, home model 1296, elevation A, located at 11518 Buckingham Drive, Yorkshire Estates, Delmar, DE. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Build on Lot 74, House Model 1918, Elevation A, 11449 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation to this home build.

Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 74, House Model 1918, Elevation A, located at 11449 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Build on Lot 75, House Model 1680, Elevation A, 11463 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation to this home build.

Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 75, House Model 1680, Elevation A, located at 11463 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Build on Lot 76, House Model 1918, Elevation A, 11481 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation to this home build.

Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 76, House Model 1918, Elevation A, located at 11481 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Build on Lot 77, House Model 2203, Elevation A, 11485 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation to this home build.

Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 77, House Model 2203, Elevation A, located at 11485 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Build on Lot 107, House Model 2203, Elevation A, 11526 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation to this home build.

Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 107, House Model 2203, Elevation A, located at 11526 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Build on Lot 108, House Model 1918, Elevation A, 11538 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation to this home build.

Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 108, House Model 1918, Elevation A, located at 11538 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Build on Lot 109, House Model 2203, Elevation B, 11544 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation to this home build.

Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 109, House Model 2203, Elevation B, located at 11544 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Build on Lot 113, House Model 1440, Elevation A, 36432 Carriage Walk Lane, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the Planning and Zoning Commission did give a favorable recommendation to this home build.

Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new home build on Lot 113, House Model 1440, Elevation A, located at 36432 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Town Manager's Report

Town Manager Bynum-King reported that the newly formed Parks and Recreation Council has had 2 workshop meetings so far. Their next meeting is scheduled for February 20th. The meetings will be scheduled for the 3rd Tuesday of the month at 6:30 p.m. and will be notated on your calendars. One of the things that would need to be discussed at the budget workshop is that the Town needs to establish a contract with the men's league for the use of the men's ball field at the Mason Dixon Park. The Town does spend a lot of money annually for the electric fees for the high sodium lights around the ball field. The Town has completed a grant application for different lighting at the fields. The draft contract will also include language to allow the Men's League to subcontract with the Little League for the use of the field for their practices.

Another item that was discussed at their meetings was the Walk Wicomico initiative through the Wicomico County Health Department. It's another healthy alternative to get people to walk. The Walk is planned for next month. The Health Department has tried to gain support from all jurisdictions in Wicomico County to get on board with the initiative. The march will take place in each municipality every month. The march in Delmar will take place in April.

The Parks and Recreation Council has also discussed having summer entertainment in the Park. Something that will bring people together such as live music or a movie. Maybe they can piggy-back off of how St. Stephen's had movies in the Park. They also thought of having a Community Garden. There is much work to be done to organize the Community Garden; identify a location for the garden, sponsors and volunteers are needed. As of right now, the primary focus is to update the bi-laws and making some revisions to make them more current. The Town Manager said that each month there will be a report provided or given by the Parks and Recreation Council.

Town Manager Bynum-King said that last Friday afternoon, she had a meeting with a man who is working on a contract for the Mills Building. He is looking forward to doing something with the building. She informed him that she had met the Economic Development Director from Sussex County and they are launching a program for new

businesses in western Sussex County. The application process is very simple; basically a submittal of a business plan and based on the a successful review of the plan will determine the amount of loan funds a business can secure.

The Town Manager reminded the Council that the next budget workshop is this Wednesday, March 7th at 6:00 p.m. She acknowledges that this has been an accelerated schedule. She also stated that the Offices will be closed Friday, March 30th for Good Friday.

Council Comments

Vice Mayor Pase said that Renovate Church is doing a Community Garden. Marilyn Searcy would be the contact person. Maybe the Parks and Recreation Coordinator could contact her and ask her to come to the next Parks and Rec. meeting to share ideas on how to get started and what all is involved.

Council Member Smith informed the Council that he was traveling westbound on State Street and noticed a bicyclist coming off of 8th Street well off the sidewalk. As he approached the bicycle, he actually swerved into oncoming traffic because the cyclist looked unsteady. The bicyclist turned onto 7th Street and hit his truck. She hit it so hard that it folded up his side mirror. The on-coming traffic saw the whole incident.

Vice Mayor Pase said that the Town faired pretty well with all the bad weather. There was standing water in some parts of Town. She suggested that everyone check on their elderly neighbors after bad weather events.

Mayor Houlihan said that at the high school baseball field the high winds tore off a dugout roof.

Public Comments

Resident Rob Fleming stated that he lives on Grove Street and he has listened to Council Member Smith as he reviewed the Public Works report. He said that there is some drain cleaning in the works which will help him. He asked what the chances were for him to get on the top of the list. Town Manager Bynum-King said that she was not sure where Public Works was in the scheduling process. Some areas are restricted in flow. She would have to find out where 2nd Street is on the list. The more constricted the areas, CES will clean, since they have larger trucks with vacuums and then the Town will routinely clean the drains with the street sweeper.

Mr. Fleming said that whenever there is standing water on Grove Street and a vehicle goes through it, the water goes underneath his house. The Town Manager said that it was discovered there is a catch basin was in a dummy area where there was no through flow. Mr. Fleming said that he wanted to make sure that the Town is doing something for him. Every time this happens he has to replace the ducts underneath his house because they are getting wet.

Mr. Fleming also spoke of the library construction and how the large box truck is parked right in front of the library. You cannot see down Bi-State Blvd. because the insulation truck is blocking the view. He is fearful that school children crossing the road will get hit. The Town Manager said that she will contact the Library Director and inform her of the situation.

Mr. Fleming said that the area around the library already had drainage issues. All the water that runs out of the library property runs into the drains. He knows that the Town could put silt bags over the drains to allow the water to flow and catch the silt. He also said that he knows that there is not an overnight fix, but it does affect him and the street he lives on. The Town Manager said that she would get his phone number and give it to the Public Works

Director.

Andrew Black who is a Cub Scout, asked about the possibility of having a dog park in Delmar. He also suggested a community clean-up day. When asked, he said that there are 12 members in his troop. Mayor Houlihan said that the Parks and Recreation Council would be a good place to bring up the idea of a dog park.

Adjournment

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

Submitted by:

Cindy Fisher
Clerk of Council