

# MAYOR & COUNCIL

## July 2, 2018

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

### **Mayor's Comments**

Council Member Smith stated that he would be running the meeting this evening since Mayor Houlihan was on vacation and Vice Mayor Pase had a medical procedure done today. He asked anyone who would be addressing the Council to sign in at the podium.

The Council performed the Pledge of Allegiance.

### **Approval of Minutes**

Council Member Boyan made a motion to approve the June, 2018 minutes as circulated. Council Member Holmes seconded the motion which passed with 3 ayes and 2 absent.

### **New Business**

#### Marcus Clark- Makeshift Accessory Building Request for 9 W. Jewell St., Delmar, DE

Mr. Clark stated that he is asking for any information to see if it could be possible to use a camper for storage on his property. He stated that all the electric and piping have been gutted and he wants to use the camper for storage. He would like information so he can comply with the Town's Code.

Town Manager Bynum-King said that the camper is identified per Town Code as an un-operative and untagged vehicle and now it cannot be used for what it was designed for. The Town has begun the process of towing untagged vehicles and Mr. Clark's camper was scheduled to be towed on July 9<sup>th</sup>. He is here this evening after having gotten the violation letter to repeal the decision and to delay having the trailer removed. Mr. Clark now wants to see if it could be possible to use his camper as a storage unit which is not consistent with the Town's Codes. He originally had a phone conversation with Community Development Coordinator William Hardin in which the Planning and Zoning regulations were discussed and how the camper did not comply with the definition of an accessory structure.

When originally asked by Council Member Smith how long Mr. Clark would need to remove the camper from his property, Mr. Clark responded that he could have it off the property within 30 days.

Council Member Holmes asked about a variance and if this qualified. Town Manager Bynum-King stated that this request did not fall under the requirements for a variance. Mr. Clark is looking to convert a camper into a storage unit. The Town is being active about removing untagged and unregistered vehicles from properties. To grant permission to use the camper as a storage shed would be contrary to the Town ordinance. Although it is hidden behind the building it is visible from the street and does not comply with the abandoned vehicle ordinance.

Council Member Smith stated that he is not opposed to grant Mr. Clark 30 days to remove the camper. Council Member Holmes asked Mr. Clark how much time he realistically needed to remove the vehicle from the property. Mr. Clark stated that he would like to have 45-60 days to be able to remove the camper from the property. Town Manager Bynum-King informed the Council that the Town has worked with other property owners that needed a longer period of time to remove items from their properties.

Council Member Holmes made a motion to allow Mr. Marcus Clark 60 days from today's date to remove the camper that is located on the property at 9 W. Jewell Street, Delmar, DE as depicted in the photos provided. Council Member Boyan seconded the motion which passed with 3 ayes and 2 absent.

Town Manager Bynum-King informed Mr. Clark that a formal letter will be sent out tomorrow stating the exact date the camper will have to be removed by.

### **Old Business**

Town Manager Bynum-King said she informed the Council last month that the Town was waiting on the delivery of totes so C.E.S. can come into Town and clean our drains. We have received one of the totes and waiting on the other one, which should be here by the beginning of next week. C.E.S. will resume the cleaning of the storm drains at that time.

### **Committee Reports:**

#### Student Advisory Report

No one was available to give a report, maybe because school was out for summer break.

#### Police Chief's Report

Chief Barkley reported that they are prepping for July 4<sup>th</sup> and their Blue Light Night. The new canine vehicle is in and it has been outfitted. He informed everyone that the Blue Light Night will be Friday, August 3<sup>rd</sup> at State Street Park from 5 pm to 8 pm. He explained that they are doing their own Community event and getting away from the national moniker so they can do their event any night they would like. Under "National Night Out", they would be forced to buy things that they really don't need and things that can't be used from one year to the next. Now things like advertising banners can be used more than once.

He also said that he has an update to Vice Mayor Pases' traffic concern last month but he will hold off on that until next month when she is at the meeting.

#### Code Enforcement Officer Report

Council Member Smith stated that the report is in the mail packets. Town Manager Bynum-King showed the Council the before and after pictures of a property where the abandoned vehicles had been towed away. She stated that there are a lot more abandoned vehicles that are scheduled to be towed. She stated that this is not to cause hardship to the residents but to inform them of our ordinances in reference to having abandoned vehicles on their property.

#### Parks and Recreation Report

Town Manager Bynum-King stated that the Parks and Rec. members have been discussing a Community Garden and they thought they had located a piece of property for their garden by Gordy Park. The land was obtained from a tax sale by the Maryland Commissioners and may be used for off street parking. Also attached to a previous report

from Parks and Rec. was a draft of their by-laws. She asked that the Council review the by-laws so any changes can be discussed prior to final approval.

### Fire Department Report

No one left a report and no one was in the audience to give a report.

### Utility Commission

Deputy Mayor Unsell reported that the Town was waiting on a permit from DelDot for the Grove Street Water Main Project. The Utility Commission granted permission for a business to receive our services at the out-of-town rates for utility hook-ups for fire protection in storage units. He reported that the Pine Street Pump Station was down due to a power outage but the generator kicked in and the Public Works on-call staff member got everything reset and running properly. He concluded by reporting that there is a July 9<sup>th</sup> pre-construction meeting for the extension of utility services for the newly annexed Delmar Assisted Living.

### Public Works

Council Member Smith reviewed the report that was included within the mail packets. He commended the Public Works Staff for the shape State Street Park was in for the Day in the Park festivities. He has seen members out painting the curbs.

### Planning & Zoning

Council Member Boyan reported on the following:

#### Chris Gilkerson- Devreco, Camden, LLC- Delmar Business Park- Delmar, DE- Modifications to Business Exteriors

Mr. Gilkerson informed the Council that he received a favorable recommendation from the Planning and Zoning Commission. The property is located just north of Auto Zone and the Food Lion Shopping Center. They have included an enclosed vestibule in the front of the building, which is the only change made to the original plans.

Upon reviewing the new plans, Council Member Boyan made a motion to accept the favorable recommendation of the Planning and Zoning Commission for the revisions to the Delmar Business Park, located in Delmar, DE, per the attached drawings. Council Member Holmes seconded the motion which passed with 3 ayes and 2 absent.

### **Town Manager's Report**

Town Manager Bynum-King reported that the Quarter Auction fundraiser for Heritage Day was a great success. The Town netted \$2062.00 for the event. We are still selling cookbooks as a fundraiser as well. Heritage Day is September 15<sup>th</sup>.

The Town Manager reminded the Council that the Town is coming to the end of fiscal year '18 and into fiscal year '19. The annual preliminary audit will take place next week from July 9<sup>th</sup> through the 11<sup>th</sup>. The auditors will be at Town Hall doing their field work and then return for the final audit on September 10<sup>th</sup>. Mayor Houlihan is on vacation and will be back in Town on Sunday and following up with Representative Dukes on the funding for the utility extension along Stage Road project.

Town Manager Bynum-King said that she will be out of the office from Thursday afternoon and will be returning on July 10<sup>th</sup>. Mayor Wells has been out due to the passing of her father.

### **Council Comments**

Council Member Holmes reminded everyone to be mindful of the heat and to drink plenty of fluids

Council Member Boyan also reminded everyone to check on the elderly and on those who don't have anyone to check on them as well as pets.

**Public Comments**

Senator Richardson informed the Town Manager that Representative Dukes has been working with the State of Delaware and approved up to \$205,000 for the sewer and water main project along Stage Road.

**Adjournment**

Council Member Holmes made a motion for adjournment which was seconded by Council Member Boyan. The motion passed with 3 ayes and 2 absent.

Submitted by:

Cindy Fisher  
Clerk of Council