

MAYOR & COUNCIL

September 4, 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 Marshall, Town Manager Bynum-King, Police Chief Barkley and Clerk of Council Fisher. Guests: Peggy Moore, Wayne Moore, Noah Hale, Holly McGown, Chris Brown, Pat Petersen and Barbara Bynum.

Mayor's Comments

Mayor Houlihan welcomed everyone and asked if anyone who would be addressing the Council this evening to sign in at the podium so that it can be part of the written record.

Approval of Minutes

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

New Business

Mayor Houlihan administered the Oath of Office to the Delmar, Delaware Election Supervisors; Barbara Bynum, Wayne and Peggy Moore.

Mayor Houlihan also administered the Oath of Office to Noah Hale as the newest member of the Parks and Recreation Council. Mayor Houlihan said that Noah reached out to him in June stating that he was interested in all aspects of the Town. Last week, they met and the Mayor showed Noah around Town along with showing him the Town's different parks. He is a senior at Delmar High School and is looking into joining the Coast Guard Academy after graduation. Mayor Houlihan said that it's good to have a younger person on the Council so there can be an added different perspective on things.

Unfinished Business

Adrieanna Clark- Extension request for removal of trailer at 9 W. Jewel St.

Mrs. Clark was not at the meeting. Clerk of Council Fisher stated that she spoke with Mrs. Clark this very morning, and was assured that Mrs. Clark would be in attendance this evening. Town Manager Bynum-King said that in July, Mr. Clark came before the Council and asked for an extension of 60 days to remove the trailer that is on his property. In the meantime, Mr. Clark has been incarcerated and Mrs. Clark is trying to get that extension extended.

The situation involving Mr. Clark being incarcerated happened a few weeks ago. The reason for the extension request was because Mr. Clark received a letter from the Town that the trailer in question was in violation, it had no tags and tall grass was growing up all around it. Council Member Holmes said that he is inclined to give some consideration to this. Mayor Houlihan said that if this item is tabled, since Mrs. Clark is not present, then it would automatically create a 30 day extension. Council Member Boyan said that he is okay with the item be tabled. Mayor Houlihan said that if Mrs. Clark does not show up this evening, then this will be tabled and discussed in the October meeting.

Parks & Recreation Council- By-Laws Approval

Town Manager Bynum-King said that there have been a number of drafts done administratively on the by-laws. What the Council have in their mail packets is not what they should be voting on. The final modification to the by-laws will be provided to them in October. She stated that she has made contact with the Town's Attorney's to see if a Public Hearing is needed. This item was tabled until October.

Committee Reports:

Student Advisory Report

No one was present to give a report. Mayor Houlihan said that the school year had just started. At the high school, the 5th and 9th graders started today and tomorrow everyone will be attending school. He informed the audience that this program started about a year ago with students acting as liaisons between the school and the Town. They would report on what was happening at the school and express any concerns the students had with what was happening in Town. He stated that he is not sure if new members have been selected for this new school year.

Police Chief's Report

Chief Barkley reported that the SRO for the high school is still out rehabbing from surgery. He will be back in the school within the next 2 weeks. In the meantime, the Police Department will be providing additional coverage at the school. Chief said that he spoke with Delmar School District Superintendent Phillips and while the SRO is working on light-duty, they expressed a need to have him at the school to look at the cameras. Chief said that while the SRO could be looking at the cameras he definitely could not do anything else.

Chief stated that the department is preparing for Heritage Day and looking forward to the color race.

There have been theft from vehicle issues in Delmar. Even though there has not been a physical arrest, the department has been putting some pressure on an individual and he has left Town. There has been some video of him entering vehicles, but the quality of the film is not good enough for court.

Chief said that next week he will be at a conference in Ocean City but will be back in time for Heritage Day.

Vice Mayor Pase informed Chief Barkley that she had a conversation with Officer Brown on a few issues she was concerned about. She appreciated everything that was discussed and how it was handled.

Parks and Recreation Council Report

Mayor Houlihan reviewed the report that was from their July 24th meeting which was in the mail packets. Town Manager Bynum-King informed the Council that there were 3 members of the Parks and Rec. Council in the audience this evening. Mayor Houlihan said that the playground equipment in State Street Parks looks great. Town Manager Bynum-King said that the Town needs to have a sign installed that indicates that the equipment is age restricted.

Code Enforcement Officer Report

Mayor Houlihan reviewed the report that was included within the mail packets. The Town Manager said that the new Code Enforcement Officer is really getting out in the community and working with the residents and property owners. She is still working with some of the abandoned properties in Town. There have been a considerable number of properties being registered as abandoned. Rental inspections will start this month for complexes of 6 or more units.

Fire Department Report

No one was present to give a report nor was there one in the mail packets. Mayor Houlihan said that they hold their meetings the same night and time as this Council holds theirs. Town Manager Bynum-King said that Fire Chief Johnson was at the Maryland's meeting and did provide a report. Clerk of Council Fisher said that the next day, she emailed that report to the DE Council members. It was suggested that whenever the reports are given to the Maryland Commission, that they be placed in the agenda for the following month's Delaware meeting.

Mayor Houlihan said that he knows the Fire Department is advertising for their upcoming Sportsman's Give-A-Way.

Utility Commission

Vice Mayor Pase informed the Council that there has been a delay with the Grove Street Water Main project. Town Manager Bynum-King said that with the wintery weather coming, and the contractors having to keep the roadways open as well as maintain them, it was suggested by the Town's engineer that it be best to delay the advertising for bids until December, with the bid opening in February and the awarding of the bid the first of March. Initially it was slated to be completed prior to this new school session. Only 1 contractor out of 6 said that they would do the project over the winter months. To give the Town a fair bidding process, the project has been delayed.

Vice Mayor Pase said that Delmar Central Railroad was on the agenda for the ability to be serviced water and sewer at a location where they wanted to put a work trailer. He was not present at the meeting and there has been no response from an email the Town Manager sent to him asking for further information.

Town Manager Bynum-King reported that on August 15th, she, Town Engineer Jason Loar and Superintendent of the Wastewater Treatment Plant; Alonzo Hardy traveled to Baltimore to have a meeting with MDE in regards to the major maintenance planned for the wastewater treatment plant. It was favorable for the Town that we approached them. The Towns' Engineer spoke on the technical issues, the Town Manager spoke about the I&I studies in both Maryland and Delaware. The Town has been doing slip lining for the past 3 years and have been lining some of the man holes. The Town was requesting a Consent Order to be allowed to do some of the major maintenance to the plant such as the cleaning of the aeration basin. The Town was informed that a Consent Order could take approximately a year. Because MDE was impressed on how the Town reached out to them and how they have been on top of most of the maintenance of the plant, the Town is allowed to use the date of the meeting as the starting point in trying to secure the bids to get the aeration basin cleaned.

Public Works

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

Planning & Zoning

Council Member Boyan reviewed the following:

Chris Brown-Ryan Homes- New home style 1680- build on Lot 47- 11793 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that the owner of Lot 47 is changing home styles and this will be back next month with what will actually be there.

Chris Brown-Ryan Homes- New home style 1918- build on Lot 48- 11785 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation in the mail packets, Council Member Smith made a motion to approve the recommendation from the Planning and Zoning Commission for new home style 1918 to be built on Lot 48 located at 11785 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New home style 1296- build on Lot 119- 11593 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that there was a contingency that has been proven. After reviewing the documentation in the mail packets, Vice Mayor Pase made a motion to approve the recommendation from the Planning and Zoning Commission for new home style 1296 to be built on Lot 119 located at 11593 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings and with the contingency that Lot 118 is an unsold property. Council Member Smith seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New home style 2203- build on Lot 120- 11599 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation in the mail packets, Council Member Smith made a motion to approve the recommendation from the Planning and Zoning Commission for new home style 2203 to be built on Lot 120 located at 11599 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New home style 1918- build on Lot 121- 11605 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation in the mail packets, Council Member Smith made a motion to approve the recommendation from the Planning and Zoning Commission for new home style 1918 to be built on Lot 121 located at 11605 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New home style 2203- build on Lot 173- 11624 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation in the mail packets, Vice Mayor Pase made a motion to approve the recommendation from the Planning and Zoning Commission for new home style 2203 to be built on Lot 173 located at 11624 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New home style 1296- build on Lot 174- 11630 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan said that there was a contingency that has been proven. After reviewing the documentation in the mail packets, Council Member Smith made a motion to approve the recommendation from the Planning and Zoning Commission for new home style 1296 to be built on Lot 174 located at 11630 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings and with the contingency that Lot 175 is an unsold property. Council Member Boyan seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New home style 1918- build on Lot 162- 38386 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Council Member Boyan said that there was a contingency that has been proven. After reviewing the documentation in the mail packets, Vice Mayor Pase made a motion to approve the recommendation from the Planning and Zoning Commission for new home style 1918 to be built on Lot 162 located at 38386 Elizabeth Lane, Yorkshire Estates, Delmar, DE, per the attached drawings and with the contingency that Lot 163 is an unsold property. Council Member Boyan seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New home style 1918- build on Lot 164- 38380 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Council Member Boyan said that there was a contingency that has been proven. After reviewing the documentation in the mail packets, Council Member Smith made a motion to approve the recommendation from the Planning and Zoning Commission for new home style 1918 to be built on Lot 164 located at 38380 Elizabeth Lane, Yorkshire Estates, Delmar, DE, per the attached drawings and with the contingency that Lot 163 is an unsold property. Council Member Boyan seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Town Manager's Report

Town Manager Bynum-King stated that on August 22nd, she, Town Engineer Josh Taylor and Community Development Coordinator William Hardin met with Perdue Agribusiness representatives Zach Rhoad, Glen Costa and Perdue's Engineer Judy Schwartz. It was a very productive meeting. Prior approvals were reviewed and during the discussion it was noted that the layout for the utilities and the layout for the Planning and Zoning Commission will remain the same. They have been making some interior changes and re-evaluating the engineering which are the reasons they haven't moved forward for final approvals. They are requesting an extension on their preliminary approval and will be seeking final plat approval as well. In order to receive their permits, the plans need to be reviewed by Davis, Bowen and Friedel.

Town Manager Bynum-King said that the costs of permitting and our permitting structure was discussed. Community Development Coordinator Hardin will be doing an assessment of other municipalities to see if our fee structure is in line. The Perdue representatives stated that they are excited to get the project moving. They are hoping to be able to move dirt in the 4th quarter of this year.

Council Member Boyan asked why Perdue was asking for an extension when they have only received approval for their preliminary plans, especially since nothing has changed. Mayor Houlihan said that he thought that there was not an expiration date for preliminary approvals. Town Manager Bynum-King said that the Community Development Coordinator informed the Perdue representatives that they could ask for an extension since nothing has changed and they could ask for final approval at the same meeting. She said that they will be back in front of the Planning and Zoning Commission this month.

Town Manager Bynum-King said that the L.E.S.M.A. dinner reservations are available and Clerk of Council Fisher needs the R.S.V.P.'s no later than September 13th. She said that the S.C.A.T. meetings are slated for the first Wednesday of the month. She received a call from S.C.A.T.'s secretary inquiring into the sporadic attendance of Delmar's Elected Officials at the meetings. The Town Manager said that she would start attending some of the Friday's Steering Committee meetings.

She offered congratulations to the incumbents, since no one filed to run against them.

Council Member Boyan asked about the Town's Facebook page. There is one for Maryland but he didn't see one for Delaware. Town Manager Bynum-King said the Facebook page was started by the Maryland Commission a few years ago and at that time, the Delaware Council was not interested in creating a Facebook page. Since the time of the initial set-up of the MD page, the administrative staff took over and incorporated the Town as a whole.

Commission Comments

Council Member Boyan congratulated the incumbents and welcomed everyone in the audience.

Council Member Smith asked for thoughts and prayers for a football player, Hayden Hamilton, who was injured at a football game last Friday. He also said that St. Stephen's Church is winding up its' 150th birthday celebration. On Sunday, September 16th, after the church service, the Church will be burying a time capsule that is about 3 ft. tall and 10 ft. around. They have called Miss Utility to mark out the property. Anyone who is there at the time of the capsule burial will be able to sign it.

Vice Mayor Pase said that with school starting tomorrow, everyone should be mindful in watching out for children crossing the streets.

Public Comments

Pat Petersen from Wood Creek spoke about the possibility of having a dog park in Delmar. She has dogs and is a dog lover and is asking for something as simple as fencing off an area with a trash can. Mayor Houlihan said that he has been approached by other residents with this idea. Members of the Parks and Rec. Council have also discussed this idea. He said that there is interest. Mrs. Petersen referenced the Facebook page for Bethel, New York and what they have for a dog park. She also said that she would volunteer to help set it up and maintain it.

Mayor Houlihan thanked all the members of the Parks and Recreation Council for volunteering. He congratulated Vice Mayor Pase and Council Member Smith and thanked them for their support. He said with Council Members Boyan and Holmes, they make a great Council. He is excited about the future.

Adjournment

Upon hearing no further public comments, Council Member Boyan made a motion for adjournment which was seconded by Council Member Holmes. The motion passed with 5 ayes and 0 absent.

Submitted by;

Cindy Fisher
Clerk of Council