

# MAYOR & COUNCIL

## October 1, 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, Police Chief Barkley, Town Manager Bynum-King, and Clerk of Council Fisher. Guests: Judy Schwartz, Alan Whitley, Wayne Moore and Chris Brown.

### **Mayor's Comments**

Mayor Houlihan welcomed everyone. He asked for anyone who would be addressing the Council to sign in at the podium for the written record. The Mayor informed everyone that he will be adding the Historical Society under New Business.

Mayor Houlihan said that the Council is wearing pink this evening in recognition of Breast Cancer Awareness Month.

### **Approval of Minutes**

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

### **Unfinished Business**

#### Parks and Rec. Council- Approval of the By-Laws

Town Manager Bynum-King said that the by-laws to be approved are basically consistent to the ones prior with just a few changes. In review, the By-Laws call for 5 volunteers from both Maryland and Delaware. The volunteer must be a resident of the Delmar School District. The Delmar Staff Liaison will provide guidance in facilitating the monthly meetings, activities, programs and services. The liaison will prepare the monthly meeting notes for the Town Manager, the Delaware Council and the Maryland Commissioners. The Treasurer will be responsible for collecting all proceeds from fundraisers, donations or program fees. All financial matters will be maintained by the Supervisor of Finances who will maintain financial records and prepare a report for each meeting of the Recreation Council. The Supervisor of Finances will be responsible for all receivables, payables, the reconciliation of the account and preparations for the annual audit.

They will meet of the 4<sup>th</sup> Tuesday of every month. The Parks and Rec. Council will have the ability to recommend any amendments and changes to the By-Laws but all final approvals will come from the Maryland and Delaware Elected Officials. All final approvals from the Council this evening would be contingent that the Maryland Commissioners approves the By-Laws as well.

Council Member Holmes made a motion to approve the Delmar Parks and Recreation Council's By-Laws as presented this evening contingent that the Delmar, Maryland Mayor and Commissioners approve them as well. Council Member Smith seconded the motion which passed with 5 ayes and 0 absent.

## **New Business**

### Halloween Resolution

Mayor Houlihan read the Halloween Resolution which states that Delmar will be recognizing Halloween on Wednesday, October 31, 2018. Trick or Treat will be between the hours of 6:00 p.m. and 8:00 p.m. with the age limit being 12 years and younger. There will be no "Mischief Night" in the corporate limits of Delmar.

Council Member Smith made a motion to approve the Halloween Resolution which was seconded by Council Member Boyan. The motion passed with 5 ayes and 0 absent.

### Historical Society- Caboose Rehab.

Mr. Alan Whitley said that the scope of work the Historical Society wants to do on the Caboose has been sent to the Community Development Coordinator. They are working to raise money and working towards putting the work out to bid. He asked the Council for their position on their financial responsibility since the Caboose does belong to the Town.

Mayor Houlihan said that as of July 1<sup>st</sup>, the budget for this year has been approved. Each side of Town does have a contingency fund. He asked that once the Historical Society puts it out for bid and they know more about what it's going to cost, he and Mayor Wells should be able to contribute. Mayor Houlihan said that the Town does want to support the project. He did say that the Council has not seen the plans, but if CDC Hardin has them, they will be made available to the Council.

Mr. Wayne Moore, from the Historical Society informed the Council that the caboose needs major work. The Society has patched things as they needed it, but the members are getting older and the work has gotten harder. It is in such poor shape, that if the Heritage Day Celebration had been held, they would not allow residents to tour the caboose. They would also like to have a pavilion over the caboose to help prevent some of the elements from damaging it further. He said the caboose was brought here in 1976 as part of the Bi-Centennial celebration and belongs to the Town. The Historical Society tries to maintain it.

Council Member Smith asked about any grants that might be available. Mr. Whitley said that the caboose would be granted a historical status but it is a hybrid, not being all original, and does not qualify as being historic.

Mayor Houlihan said that when the Historical Society gets the cost estimate for the project, the Town will assist with what they can.

## **Committee Reports:**

### Student Advisory Report

No one was present to give a report. Mayor Houlihan said that he did have a conversation with the principal of the High School and he will find a Maryland Representative to be a student advisor.

### Police Chief's Report

Chief Barkley reported that during the summer Officer Novack has been out recovering from back surgery but he is now back at the High School. Cpl. Heacock is still out on light duty and it is still unknown when he will be returning to full duty.

The department ran 2 DUI check points; one in Maryland and one in Delaware. They are working on their quarterly

reports on COPS grants and grants used for community events.

A few weeks ago, it was brought to his attention of a temporary electric line in the State Street Park that was left from the Blue Night event. Work will be done in the Park soon so that there will be a permanent separate pole installed and not attached to a tree.

Chief reported that the golf tournament was a success. There were 27 teams and everyone seemed to enjoy themselves. He said that he was glad to see the Historical Society at the meeting this evening. One of the events that the department is working on is having a “Santa House” in Town where there will be opportunities to have pictures taken with Santa. It would really be nice to use the caboose.

The Department is gearing up for Halloween and will have extra people on call that evening.

He also reminded everyone that Wednesday, October 3<sup>rd</sup> is National Coffee with a Cop Day. In Delmar anyone can stop by the Police Dept. from 8 a.m. to 10 a.m. and have coffee and pastries with the Officers.

#### Parks and Rec. Report-

Mayor Houlihan stated that the report is in everyone’s mail packets.

#### Code Enforcement Officer Report

Mayor Houlihan stated that the report is included within the mail packets. Town Manager Bynum-King reported that the Code Enforcement Officer will start rental inspections of apartment complexes by the end of the month. CDC Hardin is still assisting on the building component side with inspections and permitting. In January, 2019, the Code Enforcement Officer will start attending the Planning and Zoning meetings.

#### Fire Department Report

The Fire Department report was provided prior to the meeting and reviewed by Mayor Houlihan. Mayor Houlihan informed everyone of the spaghetti dinner fundraiser being held at the fire department on Saturday, October 6<sup>th</sup>.

#### Utility Commission Report

Vice Mayor Pase reported that there were nothing new to report. The treatment plant is running well. The Town Manager is interviewing for the wastewater treatment plant. There were 3 applicants.

#### Public Works Report

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

#### Planning & Zoning

Council Member Boyan reported on the following.

#### Chris Brown- Ryan Homes- New Home Style 1918 build on Lot 51 at 11773 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan stated that the Planning and Zoning Commission had a contingency of proof be provided that Lot 50 was an unsold Lot. That proof has been provided in the mail packets.

Upon reviewing the documents provided, Vice Mayor Pase made a motion to approve the favorable

recommendation to the Mayor and Council for the new home style 1918 build on Lot 51 located at 11773 Buckingham Drive, Yorkshire Estates, Delmar, DE per the attached drawings having proven the contingency requested from Planning and Zoning. Council Member Smith seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Style 1296 build on Lot 122 at 11611 Buckingham Drive, Yorkshire Estates, Delmar, DE

Council Member Boyan stated that the home owners wanted a sprinkler system even though it is not mandatory in Delaware. The fire marshal has signed off for the sprinkler system.

Upon reviewing the documents provided, Council Member Smith made a motion to approve the favorable recommendation to the Mayor and Council for the new home style 1296 build on Lot 122 located at 11611 Buckingham Drive, Yorkshire Estates, Delmar, DE per the attached drawings having proven the contingency requested from Planning and Zoning. Vice Mayor Pase seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Style 2203 build on Lot 123 at 11617 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon reviewing the documents provided, Council Member Smith made a motion to approve the favorable recommendation to the Mayor and Council for the new home style 2203 build on Lot 123 located at 11617 Buckingham Drive, Yorkshire Estates, Delmar, DE per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Style 1296 build on Lot 124 at 11623 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon reviewing the documents provided, Vice Mayor Pase made a motion to approve the favorable recommendation to the Mayor and Council for the new home style 1296 build on Lot 124 located at 11623 Buckingham Drive, Yorkshire Estates, Delmar, DE per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Style 1918 build on Lot 158 at 38398 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Upon reviewing the documents provided, Council Member Smith made a motion to approve the favorable recommendation to the Mayor and Council for the new home style 1918 build on Lot 158 located at 38398 Elizabeth Lane, Yorkshire Estates, Delmar, DE per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Style 1918 build on Lot 160 at 38392 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Council Member Boyan stated that the Planning and Zoning Commission had a contingency that proof be provided that Lots 159 and 161 were unsold Lots. That proof has been provided in the mail packets.

Upon reviewing the documents provided, Vice Mayor Pase made a motion to approve the favorable recommendation to the Mayor and Council for the new home style 1918 build on Lot 160 located at 38392 Elizabeth Lane, Yorkshire Estates, Delmar, DE per the attached drawings having proven the contingency requested

from Planning and Zoning. Council Member Smith seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Style 1296 build on Lot 163 at 38384 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Upon reviewing the documents provided, Council Member Smith made a motion to approve the favorable recommendation to the Mayor and Council for the new home style 1296 build on Lot 163 located at 38384 Elizabeth Lane, Yorkshire Estates, Delmar, DE per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Chris Brown- Ryan Homes- New Home Style 1296 build on Lot 165 at 38378 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Upon reviewing the documents provided, Vice Mayor Pase made a motion to approve the favorable recommendation to the Mayor and Council for the new home style 1296 build on Lot 165 located at 38378 Elizabeth Lane, Yorkshire Estates, Delmar, DE per the attached drawings. 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 251 at 38447 Carriage Walk Lane, Yorkshire Estates, Delmar, DE

Upon reviewing the documents provided, Council Member Smith made a motion to approve the favorable recommendation to the Mayor and Council for the new home style 2203 build on Lot 251 located at 38447 Carriage Walk Lane, Yorkshire Estates, Delmar, DE per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes and Council Member Holmes abstaining.

Blair Carey- Proposed new dwelling on E. Lincoln Avenue, Parcel 88A- Special Exception Request, Delmar, DE  
Neither Blair Carey nor a representative was present at the meeting. Mayor Houlihan said that the initial hearing for this property was for a variance for the front setback and was providing information on the elevations. There are single story homes around the property and a 2-story home right beside it. The special exception request is to have a residential home in a Community Business District.

Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the request for a new residential home build in a Community Business District and to move forward with a special exception request to the Delaware Board of Adjustments. Vice Mayor Pase seconded the motion which passed with 5 ayes and 0 absent.

Zachary Rhoad- Perdue Agribusiness- Sign Approval and Renewal of site plan approval located at 36903 Sussex Highway, Delmar, DE

Judy Schwartz spoke on behalf of Perdue Agribusiness. She stated that in May, 2016, they first presented the concept plan for Perdue and the plans advanced and received a recommendation from the Planning and Zoning Commission on January of 2017. On September 20, 2018 they received favorable recommendation for site plan approval. The front faces Rt. 13 and is zoned Highway Regional Commercial and will be a 40,000 sq. ft. building. The access roads and entrances will be off of Rt. 13 and Stage Road. There will be parking for 211 vehicles which is 11 more than required. The property which has 3 ponds with fountains have been approved, there will be 2 agricultural ditches, one will be filled and relocated and 2 will be combined and function as a drain. The Meadow Branch Ditch will be cleaned out and the cemetery that is on the property will be maintained and preserved. The

water and sewer will be extended by the Town bringing in a 10 inch water main along Old Stage Road which Perdue will tap into. There will be a 2 inch low pressure sewer connect with a liner pump system. All other state and federal permits have been obtained.

Judy Schwartz also stated that they are seeking approvals for a total of 4 signs. Each driveway will feature a free standing monument sign which will not be over 10 ft. in height. There will be 2 wall signs. The lettering on the front of the building will be 16 inches and 5 inches on the rear of the building.

Council Member Holmes made a motion to accept the favorable recommendation from Planning and Zoning for 2 exterior monument signs; one at each entrance and 2 flat wall signs; one on the front of the building and the other on the rear of the building for Perdue Agribusiness located at 36903 Sussex Highway, Delmar, DE, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 5 ayes and 0 absent.

Council Member Smith made a motion to approve the favorable recommendation from the Planning and Zoning Commission for the renewal of the site plan approval for Perdue Agribusiness located at 36903 Sussex Highway, Delmar, DE, per the attached drawings. The motion was seconded by Council Member Holmes and passed with 5 ayes and 0 absent.

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

#### **St. Stephen's Fall Festival**

Town Manager Bynum-King stated that she has a Special Event Permit from St. Stephen's Church for their Fall Festival scheduled for Saturday, October 20<sup>th</sup>. They are requesting to close down First Street between Grove Street and State Street from 7:00 a.m. to 3:00 p.m. Since it is a Town Street, no other outside agency will need to be contacted except the Public Works, Police Dept. and the Fire Dept.

Vice Mayor Pase made a motion to approve the Special Event Permit for St. Stephen's Church for the closing of First Street from Grove Street to State Street for their Fall Festival on Saturday October 20, 2018 from 7:00 a.m. to 3:00 p.m. Council Member Boyan seconded the motion which passed with 5 ayes and 0 absent.

The Town Manager informed the Council that she did have a meeting with the new owners of the Stillwater Subdivision which they purchased at auction. Discussed were several possibilities for the subdivision. They do understand that they have to go through Planning and Zoning for the modifications they want to make which will reduce the density. They are looking for ways to not create an impact on the schools and infrastructure, so they will not oversaturate the Town with single family houses.

On another matter, the Town Manager informed the Council that the trailer that was on Mr. Clark Marcus' property at 9 W. Jewell Street, has been removed the same day as our meeting last month.

Heritage Day was cancelled due to the impending storm and there was no rain date.

Governor Carney will be the keynote speaker for the October DLLG meeting at the Duncan Center in Dover on October 25<sup>th</sup>. Please RSVP with the Clerk of Council no later than October 17<sup>th</sup>.

The annual audit is going very well and the field operation should be wrapping up this week.

**Council Comments-**

Council Member Smith said that St. Stephen's Church is currently selling the lights for the Love Light Tree. He hopes to see everyone there. He will be picking up the tree on the 14<sup>th</sup> of November. Flyers have been put out everywhere and the proceeds go to a good cause. They will benefit St. Stephen's UMC. This will be their 6<sup>th</sup> lighting ceremony. The Homeland Singers will be performing.

Vice Mayor Pase reminded everyone that school is back in session and everyone needs to be mindful of the children walking back and forth to and from school, especially on State Street.

Mayor Houlihan informed everyone that Homecoming is this Saturday, October 13<sup>th</sup>. The Homecoming Parade starts at 9:00 a.m. The parade starts here at Town Hall and ends up at the High School. The game starts at 1:30 p.m. He will be sending out reminder emails to the Elected Officials as it gets closer to the date.

Mayor Houlihan also said that the Chamber of Commerce has announced that Dave Burton, Sr. has been named as their Citizen of the Year. He is a History Teacher and the banquet will be scheduled for some time in November. They are going to wait until after the election.

**Adjournment**

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