

MAYOR & COUNCIL

March 4, 2019

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, Police Chief Barkley and Clerk of Council Fisher. Guests: Michael Sullivan, Joel Lichtenberg, Chris Brown, Chris Mills and Alan & Peggy Whitley.

The Council performed the Pledge of Allegiance.

Mayor's Comments

Mayor Houlihan welcomed everyone and asked for anyone who would be addressing the Council to please sign in at the podium for the written record

Approval of Minutes

Council Member Smith made a motion to approve the February, 2019 minutes as circulated. Council Member Boyan seconded the motion which passed with 5 ayes and 0 absent.

New Business

Delmar Business Park- Utility Easement

Mr. Michael Sullivan introduced himself as being the attorney for Devreco Camden, LLC. the developer for the Delmar Business Park. The developer needs to address not only the utility easement for the Delmar Business Park but for the connecting parcels to the south and northwest. The 3 utility easements that they are asking approval for have been reviewed by the Utility Commission and has received a favorable recommendation to come before this Council.

The 3 easements are for the following parcels;

Easement 1- for parcel 92.01 property owned by S. Lee Smith, Jr. Inc.

Easement 2- for parcel 89.00 property owned by Delmar Associates, Inc.

Easement 3- for parcels 87.00 and 87.01 property owned by Devreco Camden, LLC.

The utilities have, for the most part, been laid in the ground. There are set obligations for the Town to accept the dedication of the utilities. The Deed of Easements for all four parcels are identical except for the legal descriptions. Mr. Sullivan said that it is the obligation of Devreco Camden, LLC to acquire the necessary easements from neighboring property owners and the Town to accept the utilities. Upon acceptance of the utility easement, the Town will be allowed to go onto property owned by others to perform utility repairs and maintenance.

Mr. Sullivan said that he have been in comprehensive communications with Town Attorney, Jim Waehler, Josh Taylor Town's Engineer and the Town Manager. In the packets he handed to the Council, he indicated that the exhibits indicate where the utility lines are located. These easements need to be in place prior to any water and sewer service being turned on. He said that they are coming to the Town Council first and then will go to the other property owners for acceptance and signatures on the utility easements. None of the property owners have expressed any negativity towards the Deed of Easements.

Town Manager Bynum-King said that this was presented to the Utility Commission earlier this evening and they gave a favorable recommendation to accept the Deed of Easements as prepared for each individual parcel to the Mayor and Council for final consideration. Our Town Attorney and Engineer has worked closely with Mr. Sullivan on the deeds for the easements.

Council Member Boyan made a motion to accept the favorable recommendation from the Utility Commission to grant the Utility easements for parcels 92.01, 87.00, 87.01 and 89.00 as presented this evening. Council Member Smith seconded the motion which passed with 5 ayes and 0 absent.

Town Manager Bynum-King informed Mr. Sullivan and she will notify him when the Deed of Easements have been signed and notarized by the Mayor. Once Mr. Sullivan received the executed document from the Town he should proceed with securing the remaining signatures from the property owners and have the document formally recorded with Sussex County.

Alan & Peggy Whitley- Historical Society- Caboose Restoration Update

Mr. Whitley informed the Council that the Historical Society has started the bidding process and have showed the plans to several contractors but only 2 are preparing bids. They have had trouble getting contractors to have any interest since the project is so small. Mr. Whitley asked how the Town advertises for their bidding process. Town Manager Bynum-King stated that for bidding for projects, the Town has notifications in the Daily Times. The Town's website is currently in the process of being updated.

Mr. Whitley said that they have started the process of budgeting money for the project. Right now they have raised \$4,000 in donations. They are asking the contractors for bids on just the caboose restoration and not for the canopy. He stated that after discussions with Town Manager Bynum-King, he is aware that he is in need of another contractor to put in a bid so he can have a total of 3.

Peggy Whitley said that 3 years ago, they put the project out for bid and the bids came back around \$10,000. They were asking the contractors for bids for doing it in both pine and cedar. Council Member Boyan asked if they had contacted any lumber yards to see about donations. Mr. Whitley said that no he had not contacted any lumber yards. He did contact a company in Millsboro to see if the cedar material was available. The caboose has no historical status. The trucks underneath are not original and it was originally a B&O caboose. It does not qualify as an actual historical piece. Mr. Whitley said that they have reached out to the Metal Works Shop and they did express an interest in helping since the roof is made of metal. Right now, he is asking for any help he can get.

Town Manager Bynum-King said that this was presented at the first budget workshop. Any funds that the Town can contribute, she will let Mr. Whitley know. She also said that sometimes it is hard to get a 3rd bid. Mayor Houlihan said hopefully that it can work out.

Old Business

Chris Mills- Update on 2 N. Pennsylvania Avenue

Mr. Mills said that he is on schedule for the wall to be completed by April. He said from the outside it doesn't look like much is happening. The wall has to be dismantled so when it is removed it doesn't take the floors down with it. He has addressed other issues like supporting the second floor with beams that will help stabilize the building. The foundation has been installed and the plates are on. The week of March 18th, he should be able to start dismantling the rear wall. By the end of the month it all should be dismantled and be built out by April.

Mr. Mills asked permission from the Council to block off parking spaces, so that when dismantling of the wall starts it will eliminate potential damage to any of the cars. The spaces will be available for parking once he starts the construction of the new wall. Town Manager Bynum-King asked if the closure of the parking spaces would be during the day and then the spaces could be open during the evening. Mr. Mills was concerned that when the cars parked back in the lot in the evening, they would still be there in the morning when it's time for him to start work. The Town Manager said his concerns could be worked around, however, when he is close to starting the dismantling process, he will need to notify all the businesses and apartment residents about the restricted parking spaces. Mr. Mills asked if he could post something on the fence notifying them of the construction. The Town Manager said that every door, business and rental units are to be posted with the notification. She also said that he can coordinate with the Public Works Staff for assistance if necessary. Mr. Mills said that he is just being proactive. He wants to start dismantling on the 18th. Town Manager Bynum-King said that he will need to identify the time period and give as much notice as possible. She said giving notice a week before the construction starts will still be in the people's mind that they will have to move their vehicles. He also mentioned that he would be putting cones out and that he will work with the Public Works Staff. Council Member Holmes suggested that Mr. Mills put the actual times on the signs on when they can and cannot park in the lot so people will know when they need to be gone. Mr. Mills said that he would include the times on the notice and he would also place the Fire Department on notice of his plans.

Committee Reports:

Student Advisory Report

No one present to give a report.

Mayor Houlihan said that he and Mayor Wells attended the high school's Career Day. They had a table set up and stated that it was well represented by the military, different trades and organizations.

Police Chief's Report

Chief Barkley informed the Council that there was a purse snatching last night at Food Lion. The lady had her purse in the shopping cart and a man decided to take it. She gave pursuit. The man pepper sprayed her and sprayed everyone else who came to her aid. There were a total of 5 victims that got sprayed. Residents and employees subdued the man until officers arrived. The man was wanted in Maryland on 4 different warrants. He was served those warrants while he was at PRMC and the Delmar, DE warrant will serve as a detainer. Currently he is in the detention center without bond. The man is from Clover Street and has a substance abuse issue.

The department is getting ready for the Little League Opening Day Parade and Ceremonies in a few weeks.

Code Enforcement Officer Report

The report was included within the mail packets.

Parks & Rec.

The report was included within the mail packets. The Town Manager informed the Council that LOWE'S will be donating all the materials needed, except the soil, for the community garden through their Community Service Program except for the soil. Another company will be donating the soil. Mayor Houlihan said that this was great news. Town Manager Bynum-King did say that people are falling off from the Parks and Rec. Council and it is now down to 1 or 2 volunteers. They are in need of both Maryland and Delaware volunteers.

Fire Department Report

No report was in the packets and no one was present to give a report.

Utility Commission

Vice Mayor Pase reported that there is a preconstruction meeting this Wednesday for the Grove Street water main upgrade project. We did receive permission from the State to be able to use the back up well while our application is under review with the stipulation that both wells are not in operation at the same time.

Vice Mayor Pase informed the Council that Utility Commission Member Howard Dickerson has retired after 20 years serving on the Commission. Mayor Houlihan said that he would like to do something to recognize Howard's 20 years of volunteering. He also said that he needs to be on the look-out for a Delaware resident replacement.

Public Work

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

Planning & Zoning

Council Member Boyan made the following Planning and Zoning recommendations:

Chris Brown- Ryan Homes- Yorkshire Estates- New Home Build- Style #2203-2 story on Lot 50, located at 11777 Buckingham Drive, Delmar, DE

After reviewing the documentation, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new house build, style #2203-2 story on Lot 50 located at 11777 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- Yorkshire Estates- New Home Build- Style #1918-2 story on Lot 125, located at 11629 Buckingham Drive, Delmar, DE

After reviewing the documentation, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new house build, style #1918-2 story on Lot 125 located at 11629 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- Yorkshire Estates- New Home Build- Style #1680-2 story on Lot 129, located at 11649 Buckingham Drive, Delmar, DE

After reviewing the documentation, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new house build, style #1680-2 story on Lot 129 located at 11649 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- Yorkshire Estates- New Home Build- Style #2203-2 story on Lot 132, located at 11663 Buckingham Drive, Delmar, DE

After reviewing the documentation, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new house build, style #2203-2 story on Lot 132 located at 11663 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- Yorkshire Estates- New Home Build- Style #1296-1 story on Lot 133, located at 11665 Buckingham Drive, Delmar, DE

After reviewing the documentation, Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a new house build, style #1296-1 story on Lot 133 located at 11665 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.

Town Manager's Report

Town Manager Bynum-King reminded the Council members that the next Joint Council budget workshop is Wednesday, March 13th at 6:00 p.m.

She asked the Council if they knew if the Woodworkers are still in place. The Town is trying to spruce up the Tot Lot and would like wooden cut-outs of letters and numbers which the Public Works Staff can paint and attach to the fence to brighten up the Tot Lot area. Vice Mayor Pase said that she knew someone she could ask and get back with the Town Manager.

Town Manager Bynum-King said that she received an email from Chip Tobor, a data analyst, that Delmar was rated in the top 10 places to live in Delaware, ranking #8 out of 27 cities/towns with population around 1,000. The information is based on crime, property values, the quality of schools and the percentages of homes with children. The website is www.homesnacks.net.

Public Comments

Resident Joel Lichtenberg informed the Council that he is new to the area and bought a home in Yorkshire Estates about 3 weeks ago. He thanked Council Member Holmes for attending the HOA meeting they held. Mr. Lichtenberg stated that the other day he tried to drive out of the development and there was water standing on the road. The water level was about 6-8 inches of rain. He said that there are no sidewalks in the development and the children getting on and off the school buses have to wade through it. He asked who is responsible and who he should speak to. Josh Taylor, Town Engineer, said that the streets are not finished and have not been dedicated to the Town. He said with all the projects under construction all the sediment has to be trapped on-site, which is probably causing the back up. Josh said that he will contact the developer and have the contractor take care of cleaning off the silt from the screening covering the catch basins. Once the screening is cleaned off, the water should subside. He further added we should keep in mind that, like everywhere else, with all the rain, it has nowhere to go because the ground is saturated.

Adjournment

After hearing no other Public Comments, Vice Mayor Pase 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