

MAYOR & COUNCIL

January 6, 2020

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 Boyan and Holmes, Town Manager Bynum-King, Police Chief Barkley and acting Clerk of Council Amanda Taylor. Absent Clerk of Council Cindy Fisher and Council Member Greg Smith Guests: Brock Parker, Bill Diakos and John Paredes.

Mayor's Comments

Mayor Houlihan hoped everyone had a safe and happy holiday season. He advised that Council Member Smith is under the weather and unable to attend the meeting this evening. He mentioned that Amanda Taylor is sitting in for our Clerk of Council Cindy Fisher. He informed everyone that Cindy's mother passed away on New Year's Day. He along with other Elected Officials and the Administrative office personnel attended the service today for her mother. He asked that everyone continue to keep Cindy and her family in your thoughts and prayers.

Approval of Minutes

Council Member Boyan made a motion to approve the December 2019 minutes as circulated. Council Member Holmes seconded the motion which passed with 4 ayes and 1 absent.

Unfinished Business

Ordinance 172- rezoning of parcel from Residential R-4 to Community Business

Mayor Houlihan stated that last month a Public Hearing was held for Resolution 2019-12-02 at the request of the petitioner Mr. Diakos regarding rezoning of the property he owns that is located on Old Stage Road. The Resolution was read and introduced and read in its entirety by Mayor Houlihan at the December meeting. The Public Hearing was opened for public comments and hearing none, the Council decided to table their vote until the January meeting due to the fact the petitioner was not in attendance to present to the Council their reason for the rezoning request. He recapped that the Resolution is a request to rezone Parcel 106, Tax Map 532 Grid 20:00 located on Old Stage Road in Delmar, DE from R-4 Residential to Community Business. Mayor Houlihan acknowledged that Mr. Diakos and his Engineer Brock Parker were present this evening to address the Council.

Brock Parker from Parker and Associates addressed the Council on behalf of his client and property owner Bill Diakos. Mr. Parker first apologized for not being present at the December meeting. He explained that there was a mix up in his schedule. He went on to say that the parcel in question to be rezoned is one acre on the east side of Stage Road and behind the Wawa shopping center. The property owner originally wanted to construct a duplex/apartment complex on the parcel, however the neighborhood has changed significantly with commercial development. Mr. Diakos also owns the attached parcel which he is in the process of getting approval from Sussex County to build a climate control storage facility. Mr. Parker said, if the rezoning request is granted, the property owner is looking to construct a 10,000 sq. ft. structure to possibly house a coffee shop and gym.

Council Member Marshall asked if there were any measures taken to see how the family who lives

in the house next to this property feels about the proposed project. Mr. Parker replied the property has been posted with the advertising for the Public Hearing, and no one came to the meeting. He also said he didn't anticipate any issues with the neighboring property. There will be a buffer of trees between the property lines. Hearing no questions Mayor Houlihan asked for a motion to approve Resolution 2019-12-02 to permit the petitioners request to rezone his property from Residential R-4 to Community Business. Council Member Holmes made that motion and was seconded by Council Member Boyan and passed with 4 ayes and 1 absent.

Mayor Houlihan read Ordinance 172 in its entirety. He stated that the Council approved the Resolution to approve the zoning change from Residential R-4 to Community Business. He asked for a motion to accept Ordinance 172. Council Member Boyan made a motion to accept Ordinance 172 which was seconded by Vice Mayor Pase. The motion passed with 4 ayes and 1 absent.

Committee Reports:

Student Advisory Report

There was no one present to give a report. Mayor Houlihan stated that the students have been out of school most of the month on Holiday Break. They returned back to school today.

Police Chief's Report

Chief Barkley stated that on December 20th, there was a pedestrian fatality on RT. 13 between The Country Hearth Inn and the Thrift Travels Inn. The subject was hit in the south bound lane. Chief stated that it was believed that alcohol played a factor in the accident.

Chief stated that there was a second fatality at the Country Hearth Inn. A 25 year old male overdosed not from opioids but from a synthetic marijuana known as "Spice". Council Member Boyan inquired how it is possible that the individual overdosed on "Spice". Chief Barkley responded that it is a mix on unknowns, therefore the individual can overdose on it or have an allergic reaction to something in it or it could have been laced with something else. The Department is still waiting on a full autopsy report.

Mayor Houlihan thanked Chief Barkley for doing such a great job in the Community.

Parks and Recreation Council Report

The report was included in the mail packets.

Code Enforcement Officer Report

The report was included in the mail packets.

Utility Commission

Vice Mayor Pase reported that on January 2nd there was a busted pipe on the corner of Grove and First Streets stemming from work done on the Grove Street Water Main Project. The contractors had to come back and fix the problem.

The Waste Water Treatment Plant is slowly but surely making progress. The new superintendent, Frank Daniels was doing an assessment of the screen and grit unit and discovered that the control

panel had been destroyed. It was left open and had water damage. The Superintendent is getting quotes to get the panel replaced. Mr. Daniels also reported that there are 11 violations for the month of December and it is looking much better for January. The water is already much clearer than it has been.

Vice Mayor Pase concluded by stating that the Stage Road Project is waiting for the contractors to complete all the requirements set by DelDot before they can begin work.

Planning and Zoning

Mayor Houlihan stated that the report was included in the mail packets. A gentleman stood up and identified himself as John Paredes. Mr. Paredes stated that he was here to speak about the changing his single family home into a duplex. He stated that he already had most of the work done before he knew he needed approval. Mayor Houlihan advised Mr. Paredes that this Council could not give approval for his request. He had to appear before the Delaware Board of Adjustments which is slated for later this month.

Public works

The report was included in the mail packets. Mayor Houlihan said that he wanted to thank the Public Works staff for the hard work they did with the parade, lights in the park and the clean-up afterwards.

Town Manager's Report

Town Manager Bynum-King reported that the WWTP has been maintaining operations with violations at a minimum. With the heavy rain last week, all the water was contained in the tertiary clarifier. We are waiting for the Town's engineers to work with WWTP Superintendent to convert the existing surge tank into a EQ Basin. WWTP Superintendent stated that he has figured out how to use the surge tank as an EQ Basin manually, however he only runs manual mode during the day when he is on site.

She also stated that she is getting a quote from General Codes for the codification of the existing town ordinances. This process will give a comprehensive assessment of all the ordinances and assist in the eliminating obsolete, overlapping or redundant ordinances. The process will also assist with the upgrades to the current zoning code. The zoning code will be reviewed for inconsistencies and outdated terms and definitions. The review and the revision process will be completed in multi-years. General Code will provide editorial and legal code review to ensure everything is in compliance with State (MD/DE) law. Once completed the ordinances will be housed in one user friendly document with a table of contents. The deliverable will be however we desire; hard copy, electronic copy or both.

The Town Manager advised that Sussex County Council had approved the \$500 grant for the tree lighting ceremony event in State Street Park. She handed out the FY20-21 budget workshop calendars to the Council. The first Joint workshop will be held on Wednesday, February 26, 2020.

Council Comments

Council Member Holmes stated that he will be resigning as Council Member effective January 31, 2020. He has to relocate to take care of his ailing father. He thanked everyone for everything they

have done to help him as a Council Member. He really enjoyed it. He stated that he was glad to hear that the ordinances were going to be reviewed, revised and be user friendly. Mayor Houlihan stated that Council Member Holmes would always ask the tougher questions, which he appreciated. He added that Council Member Holmes gave a different perspective on matters at hand and he will miss that as well. Vice Mayor Pase and Council Member Boyan wished Council Member Holmes the best of luck and expressed how much he will be missed as a member of the Council.

Council Member Boyan stated that he is happy all is going well with the Town and wished everyone a Happy New Year.

Vice Mayor Pase stated that she made it through the year and Happy New Year to everyone.

Mayor Houlihan stated we are ready for the budget workshops. We will now be looking for a new Council Member and a Utility Commission member. The Christmas Party, the extra holidays off went over great. The Town Officials are very appreciative of the staff support. He added that the new superintendent at the WWTP is a polished gem and we are fortunate to have him on board. It is good to hear the positive happenings with the WWTP. We are looking for things to start turning around this year.

Adjournment

Upon hearing no public comments, Vice Mayor Pase made a motion for adjournment which was seconded by Council Member Boyan. The motion passed with 4 ayes and 1 absent.

Submitted by:
Amanda Taylor
Acting Clerk of Council