

MAYOR & COUNCIL
December 7, 2020
Via Teleconference

Mayor Houlihan called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. Due to COVID-19, the meeting is being held via teleconference. In attendance was Vice Mayor Mary Lee Pase, Council Members Smith and Boyan, Town Manager Bynum-King, Police Chief Barkley and Clerk of Council Vondell Spencer. Guests: Jerry McClymont, Brock Parker, Blair Carey, Teresa Morelli, Joel Litchenberg, Kimberly Ruark, and Mark Welsh.

Mayor's Comments

Mayor Houlihan called the meeting to order and performed a roll call to confirm there was a quorum. A quorum was established. Mayor Houlihan said he hoped everyone had a nice Thanksgiving Holiday. Hope everyone is being safe and well.

Approval of Minutes

Mayor Houlihan called for a motion to approve the November 2, 2020 meeting minutes as prepared. A motion was made and seconded (Smith/Pase) and carried with a roll call vote: 4 Ayes.

Unfinished Business –

Town Mgr. Bynum-King informed the Council that she is in receipt of the recorded deed for the property that was donated to the Town from Perdue Agribusiness. Mr. Waehler forwarded her the documents today via email. He wanted her to make sure the Town noted that the property donation is effective as of December 1, 2020. Mayor Houlihan said it is wonderful that the long process has been finalized.

New Business -

Mark Welsh, CPA, from TGM Group, LLC stated he was attending the meeting to present the financials for Delaware and Utility Commission. Mr. Welsh reported the Utility Commission is administering and operating well for the last two years. He also reported: 1.) The size of the debt is very reasonable when considering the size of the assets and revenue the Town has earned. 2.) The Utility Commission has \$4.1 million dollars in cash positioned at the end of the year. 3.) The Utility Commission has assets minus liabilities of \$14.5 million dollars. 4.) The Utility Commission is less than \$3.4 million dollars in debt. 5.) This year the Utility Commission bought almost one million dollars worth of capital assets without going into further debt. 6.) The Utility Commission lost \$113,000 but we have depreciation and amortization of over one million dollars which is a non-cash outlet. 7.) The Utility Commission bought \$916, 000 dollars in capital assets this year.

Mr. Welsh asked if the Mayor or Council had any questions or concerns regarding the Utility Commission report for him or Kimberly Ruark, Accounting and Auditing Manager of the TGM Group, LLC. Vice Mayor Mary Lee Pase responded the annual audit looks great. Mayor Houlihan agreed with her. Mr. Welsh stated the year-to-year comparison does not have big fluctuations. He added the Utility Commission is consistent in its approach.

Mr. Welsh reported to the Mayor and Council the Delaware Audit: 1.) The Town has a significant increase in fund balance. 2.) Debt in the capital leases is extremely low. 3.) Combined net position is 4.173 million dollars. 4.) The Town's cash balance is at 1.8 million dollars which was almost a \$400,000 increase. 5.) The capital assets net position stayed about the same. 6.) Long-term debt stayed about the same. 7.) Asset minus liabilities elevated slightly to 4.2 million dollars.

Mr. Welsh asked if the Mayor or Council had any questions or concerns for him or Ms. Ruark. Mayor Houlihan mentioned that during the budget work sessions, he expressed concerns on how the Town would land with COVID-19 as it relates to the anticipated revenue vs expenses. Mayor Houlihan further mentioned it sounds like the Town is still doing very well. Mr. Welsh agreed. Mayor Houlihan said the Town has come a long way and he is very proud of what has been accomplished for Delaware, the conservative approach for several years works well for the Town. He said the Town Council and staff, provides the best services for the citizens and this audit report exemplifies that.

Mr. Welsh noted he has been preparing the Town's audits for years and there have been times where the Town did not have positive fund balance. He further noted it's good to see such a good fund balance at this present time. Mayor Houlihan thanked Mr. Welsh and Ms. Ruark for the good news. Mayor Houlihan then said he wanted to thank Town Mgr. Bynum-King and Supervisor of Finance, Heather Chandler for performing an excellent job and the results are the reports from the audit. He further said he couldn't express how much we appreciate what they do for the Mayor and Council. Town Mgr. Bynum-King expressed her appreciation for the compliment and said she will share the compliment with Mrs. Chandler.

Committee Reports:

Student Advisory-. Ms. Morelli reported: 1.) After finishing their regular season undefeated the Delmar High School Varsity Field Hockey Team advanced to the quarterfinals. They won 9-0 against Lake Forest. They will advance to the semi-finals and play against Newark Charter School Wednesday, December 9, 2020. 2.) The varsity boys' soccer team finished with a twelfth seed ranking this season. In the first round of the DIAA Division 2 State Tournament, they played against Caravel Academy. 3.) The varsity girls' volleyball team finished their season with a record of 3-4. 4.) Three of Delmar's Jobs for Graduates were selected as Delaware Career Association 2020-2021 State Officer's. Sakasia Sturgis will serve as there secretary, Briana Wallace will serve as the Vice President, and Javia Warner will serve as the President. 5.) The current plan for returning to in-person classes is all students in grades 5-12 will return to school beginning the week of January 11, 2021. There will be two groups of students, the orange group and the blue group. One group will attend on either Mondays and Tuesdays or Thursdays and Fridays. Mayor Houlihan mentioned he saw Governor Carney's update, December 14, 2020, schools will return to online learning, but he also left the decision up

to the schools as well. Ms. Morelli agreed. Mayor Houlihan asked Ms. Morelli if she was aware of the school's decision. Ms. Morelli replied she thought it was going to be hybrid. One group will come in on Mondays and Tuesday and then will be virtual Thursday's and Friday's. The other group will be the reverse. Mayor Houlihan questioned if the decision was due to the Christmas break. Ms. Morelli responded yes about one week after students return from holiday break. Mayor Houlihan further questioned about the football team trying to get into the playoffs. Ms. Morelli stated she tried to find the scores but she is unaware if it's very clear. The school might know later this week. Mayor Houlihan said from his understanding which maybe hearsay to be in the playoffs they wanted at least five games and we only got to play four but that wasn't our fault it was because of COVID. Ms. Morelli agreed.

Police Chief's Report

Chief Barkley-reported: 1.) Due to the holiday season, we are focusing special attention on the Towns businesses because at this time of year normally there is an increase in thefts and occasional robberies. 2.) There has been mischief in our neighborhoods. Apparently, there is a Tik-Tok initiative where the youth ride around and throw cheese at people in their vehicles. 3.) Due to legislative reforms from both Delaware and Maryland the Department has changes in policies involving the way Officers are to conduct themselves. He added, it's a matter of formalizing policy and displaying it for the states so they understand and know that this is the way business is conducted in our Department. 4.) The department has been contacted by the State of Delaware and shortly they will be offering COVID vaccinations for first responders. The vaccination is not mandatory, it will be totally voluntary and he will be taking the vaccine when it is available.

Code Enforcement Officer Report-Report in packet.

Parks and Recreation-No Report.

Public Works-Report in Packet.

Council Member Smith mentioned he spoke to, Director of Public Works, Jerome Reid, and everything appears to running smoothly. He further mentioned Mr. Reid seems to have a great group of guys he's working with.

Mayor Houlihan mentioned he is aware Public Works has been struggling with large amounts of rain and all the leaves off the trees getting caught in the storm drains. Mayor Houlihan further mentioned he wishes some of the citizens would help us in that regard especially in front of their house.

Utility Commission Report-Vice Mayor Pase reported: 1.) The WWTP had operational issues as a result of the heavy rain that caused the daily test numbers to exceed the permit. It was also reported that Superintendent, Frank Daniels, informed Town Manager Bynum-King that a few more heavy rains throughout the rest of the month will impact the end result for the monthly permitted levels. 2.) Wastewater Operator, Wallace Harris, resigned December 2, 2020. Superintendent, Frank Daniels, will start the search to fill the open position after the first of the year. 3.) Utility disconnects occurred today. Vice Mayor Pase added that due to COVID, the Town staff worked with delinquent account holders and payment arrangements were made, however in most cases the

delinquent accounts were satisfied.

Planning & Zoning

- **Brock Parker/Parker and Associates – (Blair Carey) – Subdivide and establish Lots 1-24, Second Street & Old Racetrack Road, Delmar, DE**-Mr. Parker - (Blair Carey) is proposing to subdivide a parcel and establish Lots 1-24, on Second Street & Old Racetrack Road. Mr. Parker stated that Mr. Carey is seeking a preliminary Plat Approval. Mr. Parker suggested that this property may have come before this body a while ago in a rezoning. Mayor Houlihan replied yes. Mr. Parker said that they are rezoning from industrial to residential. That process has not fully concluded itself yet but Mr. Carey would like to get the preliminary process approved from the Town to start the magnitude of work that has to be done. He added to include the boundary surveys and all of the engineering associated with the subdivision itself. Mr. Parker mentioned that Mr. Carey understands there is some risk because the zoning has not been fully enacted yet. Mr. Parker further said they will come back for a final approval once the engineering, surveying and zoning has been rectified.

Mayor Houlihan asked Council Member Boyan what the discussion was with Planning and Zoning. Council Member Boyan answered he was not present. Town Mgr. Bynum-King mentioned from what she understood from the staff side there was a great deal of discussion about the subdivision as a whole. In fairness to Mr. Carey, he came initially before this body with an informal concept for the proposed subdivision and conceptually everybody embraced his idea. She further added that there was an understanding with Mr. Carey in an effort not to have to go through an amendment to our Delaware Comp Plan the Town would make the zoning changes to the existing land use maps as part of updating the DE Comp Plan. She mentioned as part of the draft process the land use map was modified to change the zoning for that location from industrial to residential. Town Manager explained for clarification that the draft DE Comp Plan has gone through the PLUS review and we were waiting for the comments from the various agencies. In the best case scenario, the Plan would have been certified by the Governor in October, however, there were several challenges that were encountered on the Town side with getting the draft plan completed. When things are above and beyond the Town's control to approve and move forward, we are at the mercy of those agencies that have comments. Once all of the state agencies comments are addressed and added to the Plan it will go before the Town's Planning Commission, then to this body for final approval. Upon that approval, it will be sent to the State Planning Office to submit to the Governor's Office for certification. She added overall, the Planning and Zoning Commission did agree as Council Member Boyan will read the favorable recommendation.

Council Member Boyan reported that the Planning Commission gave a favorable recommendation to the Mayor and Council for the approval of Brock Parker/Parker and Associates – (Blair Carey) – Subdivide and establish Lots 1-24, Second Street & Old Racetrack Road, Delmar, DE-per the attached drawings, contingent final certification of

the Delmar, Delaware Comp Plan update to include the zoning change from industrial to residential.

Mayor Houlihan called for a motion to accept the Planning Commission's favorable recommendation. The motion was made/seconded (Smith/Pase) and carried by roll call vote of 4 Ayes.

- **Jerry McClymont -Novacare-Channel letters Installation-38552 Sussex Highway, Delmar, DE**-Mr. McClymont is proposing channel letters installation as presented. Mayor Houlihan questioned Mr. McClymont if the location of Novacare was where Tidal Health/ Dr. Gorgui's office is located. Mr. McClymont responded yes.

Council Member Boyan reported that the Planning Commission gave a favorable recommendation to the Mayor and Council for the approval of-Jerry McClymont - Novacare-Channel letters Installation-38552 Sussex Highway, Delmar, DE, per the attached drawings.

Mayor Houlihan called for a motion to accept the Planning Commission's favorable recommendation. The motion was made/seconded (Pase/Smith) and carried by roll call vote with 4 Ayes.

Town Manager's Report –

Town Mgr. Bynum-King reported the contractor for the caboose restoration has been able to weather type the caboose. The cupola has a new roof and siding. New windows have been installed with new casing around the windows and also the doors have been replaced. The second Phase should start Spring 2021 which would include removing and replacing the siding with cedar and painting the cedar to match the top portion of the caboose.

Town Mgr. Bynum-King informed Mayor Houlihan they need to finalize the vetting process for the vacancies that are on the Council to get it in motion as we move into the new year.

Town Mgr. Bynum-King reminded Mayor and Council members the Town Hall Administrative Office will be closed December 23rd-25th. Garbage service will not be interrupted for Delaware. The Recycle Day will occur on Saturday, December 26, 2020. Before our next meeting our Town Hall Administrative Office will be closed on, January 1, 2021, and our next meeting will be January 4, 2021. She mentioned she will be out of the office from December 23rd-January 4, 2021 but she will be available if needed. She wished everyone a happy and safe holiday season.

Council Member Boyan informed Town Mgr. Bynum-King he is having issues with his garbage pick-up. He said the garbage men are leaving his garbage cans in the middle of the driveway and

it's an ongoing problem. Town Mgr. Bynum-King responded we will look into this issue tomorrow.

Council Comments –

Vice Mayor Mary Lee Pase said she seen a new business where Thirdwave was located and Mayor Houlihan informed her it was called Burley Oak. She wanted to wish everyone a nice Christmas Holiday and she's praying things get better in the year 2021.

Council Member Smith said putting the tree up in the park was a success. St. Stephen's United Methodist Church modified the Tree Lighting Ceremony by not setting up chairs but allowing people to bring their own chairs, letting people stand and sit at their own distance. Also, the Georgetown trailer that was rented, helped the people that were speaking have shelter from the weather. We had Union Methodist Church come in and sing. They did a great job. He added, yesterday the star on the tree was out and the lights were out on the banner so he went today and fixed those issues.

Council Member Boyan said he wanted to wish everybody a Merry Christmas and Happy Holidays. Salisbury University is back in session full-time at the moment until Christmas break.

Mayor Houlihan mentioned to Town Mgr. Bynum-King all the banners look good on the poles and also the snowflakes look great as well. Town Mgr. Bynum King responded she would convey that to Public Works. She also noted she wanted to say a special thanks to County Council Member Riley because he funded the trailer in the park for the Tree Lighting Ceremony.

Mayor Houlihan mentioned to Vice Mayor Mary Lee Pase, Council Members Boyan and Smith with remarks from the financial report of the Town, we should be very proud for being very fiscally responsible. He added to think where we were in the past and where we are now, he is proud of this Town and what we do, that's all of us together. Mayor Houlihan added he wanted to wish everyone a happy holiday.

Public Comments: -

Mr. Joel Litchenberg stated he lives in Yorkshire Estates. He questioned if anyone was aware who was paving the roads in his development. Town Mgr. Bynum-King replied she is unaware of who the developer has contracted to do the paving. Mr. Litchenberg said he is sure the paving company will give the residents notice as to directions for parking and so forth. He further said he wanted to understand how long before the paving started, if the paving was going to be one side at a time and how long before the second side was paved. Town Mgr. Bynum-King responded that is information that the Town does not have because we did not contract the paving contractor. She further responded she did see that, Developer, Mr. Doug Marshall, did send out some information to his project manager to make sure that adequate notice to the residents with regards to when they were going to be paving the streets. She further responded she recalled Chesapeake Paving is contracted for the paving but without the email she cannot definitely be certain. Additionally, if she found out any additional information, she could convey that information to Mr. Litchenberg via email. Mr. Litchenberg provided his email and said thank you, Merry Christmas.

Mayor Houlihan thanked Clerk of Council, Vondell Spencer, for preparing the minutes. Ms. Spencer responded no problem.

Adjournment

A motion to adjourn was made/seconded (Smith/Boyan) and carried by roll call vote with 4 Ayes.

Submitted by:

Clerk of Council