

MAYOR & COUNCIL

October 7, 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 (arrived late), Town Manager Bynum-King, Police Chief Barkley and Clerk of Council Fisher. Guests: Joshua Taylor, Danielle Morielli, Lisa Kukta and Chris Brown.

Mayor's Comments

Mayor Houlihan stated that he had not heard anything from Council Member Holmes on why he is not here this evening.

Halloween Resolution 2019-10-07

Mayor Houlihan read Resolution 2019-10-07 declaring Thursday, October 31st as the date the Town will celebrate Halloween with Trick-or-Treating being between the hours of 6 p.m. and 8 p.m. for children ages 12 and under. There will be no Mischief Night in the Town of Delmar.

Council Member Boyan made a motion to accept Resolution 2019-10-07 which was seconded by Council Member Smith and passed with 4 ayes and 1 absent (Council Member Holmes arrived late).

Approval of Minutes

Vice Mayor Pase made a motion to approve the September 3, 2019 DE Council minutes as circulated. Council Member Smith seconded the motion which passed with 4 ayes and 1 absent.

Unfinished Business

Town Manager Bynum-King wanted to do a follow-up on the discussion the Council had on the Veterans Banners. She did speak with former Mayor Doug Niblett to see if the V. F. W. already planned on doing such a project. He informed her that the V.F.W. did not have any such plans but he believed that it would be something they would be interested in partnering up with the Town to do. Former Mayor Niblett stated that the V.F.W. has a meeting later this month and he will bring up the subject and see what they would like to do.

New Business

(Council Member Holmes has arrived)

Mayor Houlihan said that the Town had originally met with Perdue representatives in 2015. Perdue had interest in coming to Delmar, DE for their agribusiness department. Perdue settled on property on the Rt. 13 and Stage Road corridor in 2015. They would be using the pump station off of Yorkshire Estates. Mayor Houlihan said that the Town met with Sussex County Council asking for funds for assistance in bringing utilities to the highway regional district along Rt. 13 for future growth potential. In the summer of 2018, the Town met again with Sussex County Council to ask for assistance. Mayor Houlihan stated that the Delmar Utility Commission had allocated \$125,000 for the project and the State of Delaware allocated an additional \$205,000. The County did give to the Town \$125,000 for the upgrading of water and sewer on the north bound section of Rt. 13 in the highway regional district. The project went out to bid and a bid was accepted and awarded. There was a pre-construction meeting.

Last week, he received a phone call from the President of the Agribusiness Department of Perdue and Mayor Houlihan was informed that Perdue will not be able to build in Delmar. They would be donating the land to the Town.

Mayor Houlihan stated that the Town Manager received an email from Sussex County asking for their \$125,000 back since Perdue was not coming to Delmar. Mayor Houlihan reached out to Representative Tim Dukes and he advised that State did not want their funds back, because the project was for the economic development of that property and all the properties going north of it in the Highway Regional District.

Town Manager Bynum-King said that she received an email from the Finance Director for Sussex County on Tuesday, October 8th, which was the day before we were formally told that Perdue was not coming to Delmar. She stated that she felt it was a little premature. She questioned if the County voted on it. But she was told that the way the Resolution was written, it gave the authority to the Administrative side to recall the funds. The Town Manager does have a copy of the Resolution.

The County insists that the infrastructure funds were based on Perdue's commitment to relocate to Delmar, DE and they would bring 200 new jobs. The County is saying that now those jobs will not be created and that is the basis for their request that the funds be returned. She stated that there is nothing in the Resolution that has an expiration date or a clause that the money would be recalled if Perdue did not come to Delmar. The Town Manager and Mayor Houlihan said that all along they have made it very clear that the funds were for the highway regional district along Rt. 13. Mayor Houlihan said that he is in contact with Representative Tim Dukes and maybe he can assist. If the County wishes to withdraw the grant, then it should come formally from the County Council President. From the Town's perspective, the County did not show any compassion or sensitivity and the way this was handled was very unprofessional.

Council Member Holmes said if there is no deadline, the Town should move forward with the infrastructure project. He feels it would be enticing to potential development to have water and sewer already present. Town Manager Bynum-King said that if the County does pull back their funding, then someone will have to pay the difference of their share. The project scope was modified so that the project cost would fall within the funds dedicated for the project. If the County recalls the money, the Town won't have the funds to complete the project. The State of Delaware is very clear that they do not want their money back. The Town has already incurred engineering costs for this project. It has been put out for bid and awarded. The contractors have also incurred costs associated with the project.

Committee Reports:

Student Advisory

Danielle Moreilli is the new representative for our student advisory report. She reported on the upcoming field hockey, volleyball, soccer and football games. She also informed the Elected Officials that the school will be hosting the Shoppers Fair on October 19th from 10 a.m. to 3 p.m. Trick-or-Treating will take place on Thursday, October 31st at the school.

Police Chief's Report

Chief Barkley reported that his department has been very busy. Starting next month he will be forwarding the new form for his statistics. He stated that Officer Aungst has left the department and they are currently recruiting for that vacancy.

Part Time Communications Officer Harris's medical condition has made it so he is unable to come into the department any longer to work. He has been doing small bits of work from home but that won't be for much longer. Chief said that he is looking to fill the night time dispatch position. He already has an individual interested in the position. She is already certified on the Maryland side and would need to be certified in Delaware.

Chief Barkley said that he was notified by the school crossing guard that he will be moving to take a position in the seminary that will take him out of the Delmar area. They are working to fill that position as well. There is one individual who is going through everything she needs to have in place to be able to work with the current crossing guard for a few days before he leaves.

They have been busy with community events such as Heritage Day and the golf tournament. He expressed his happiness that both Delmar, MD and Delmar, DE were represented at the tournament. There were no serious crimes to report. There are the same traffic issues that they have been dealing with.

Chief Barkley said that he received a call from the bus drivers in reference to Lincoln Avenue. He is researching the possibility of getting a "NO PARKING" sign in place on Lincoln Avenue. He concluded that he also has one officer out on medical leave for knee surgery.

Parks and Recreation

Mayor Houlihan read the report that was included in the mail packet.

Code Enforcement Officer Report

Mayor Houlihan reviewed the report that was included in the mail packet.

Fire Department Report

There was no one present to give a report. Mayor Houlihan did report that they did get their new fire engine.

Utility Commission

Vice Mayor Pase reported that John McGee from DB&F recommended the acceptance of the Pine Street Pump Station Upgrade. The work has been completed. The Superintendent of Public Works has been working with Mr. McGee and stated that it is operating as designed.

Council Member Smith made a motion to accept the favorable recommendation from the Utility Commission for the acceptance of the Pine Street Pimp Station Upgrade Project. Vice Mayor Pase seconded the motion which passed with 5 ayes and 0 absent.

Vice Mayor Pase said that during the last budget session, the Utility Commission had budgeted to rebuild the clarifier arm drive at the WWTP at \$40,000. If the drive cannot be fixed, which we won't know until it is dismantled and taken off site, the cost would be an additional \$40,000 for a total of \$80,000.

Public Works

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

Planning & Zoning

Council Member Boyan reported on the following:

Lisa Kukta- Sign approval for vinyl lettering in window, a framed sign and an "OPEN" flag for her business at 603A North Bi-State Blvd, Delmar, DE

Ms. Kukta said that there are 2 units in the building of which she is renting one. She wants to put the same lettering on the side window as she has on her front door. She stated that she will be taking down the A-framed sign and "OPEN" flag every evening.

She stated that CDC Hardin had stated at the Planning and Zoning Commission meeting that if you're a corner building you could have 2 signs. She is not asking for any signage but to put lettering on a window. There is not an external sign on the building. When asked she said her hours of operation would be Mon.-Fri. 10 a.m. to 7 p.m., Fri.- 10 am to 8 pm and Sat. and Sun. from 10 am to 6 pm.

Council Member Smith made a motion to approve the Planning and Zoning Commission's favorable recommendation for vinyl lettering in a window, an A-framed sign and an "OPEN" flag for Lisa Kukta for her business at 603A North Bi-State Blvd., Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 5 ayes and 0 absent. Mayor Houlihan suggested Mrs. Kukta contact the Delmar Chamber of Commerce for a Grand Opening.

Chris Brown-Ryan Homes- New Home Build, style # 1296 on Lot 143, located at 38476 Charles Court, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 1296 on Lot 143, located at 38476 Charles Court, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 2203 on Lot 145, located at 38472 Charles Court, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 2203 on Lot 145, located at 38472 Charles Court, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 2203 on Lot 148, located at 11703 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 2203 on Lot 148, located at 11703 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 1296 on Lot 149, located at 11709 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 1296 on Lot 149, located at 11709 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 1918 on Lot 182, located at 11676 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 1918 on Lot 182, located at 11676 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 1296 on Lot 183, located at 11682 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 1296 on Lot 183, located at 11682 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 1296 on Lot 185, located at 11696 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 1296 on Lot 185, located at 11696 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 1296 on Lot 193, located at 11734 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 1296 on Lot 193, located at 11734 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 1280 on Lot 194, located at 38397 Elizabeth Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided and hearing no comments, Council Member Smith made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 1280 on Lot 194, located at 38397 Elizabeth Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining.

Chris Brown-Ryan Homes- New Home Build, style # 1280 on Lot 195, located at 38395 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Council Member Boyan stated that the Planning and Zoning Commission requested letters be presented to the Commission showing the owner of Lots 194, 195 and 196 acknowledging that they are aware that their neighbors will be building the same style house as theirs. The letters were provided to show just that.

After reviewing the documentation provided, Vice Mayor Pase made a motion to accept the favorable recommendation from the Planning and Zoning Commission for new home build, style # 1280 on Lot 195, located at 38395 Elizabeth Lane, Yorkshire Estates, Delmar, DE, per the attached drawings and with the letters of acknowledgement. Council Member Boyan seconded the motion which passed with 4 ayes, 0 absent and Council

Member Holmes abstaining.

Town Manager's Report

Town Manager Bynum-King said that Heritage Day was a wonderful day. There were a lot of people in attendance and the vendors did well. And of course, the fireworks were great. She wanted to thank the Staff for their hard work and the Elected Officials helping to keep the event moving forward. There will be a debriefing meeting at some point. She also thanked the Delmar Police Department for the assistance on street crossings.

The audit field work has been completed. They are tying up some loose ends and any additional requests are being done electronically.

Former Mayor Doug Niblett informed her that the V.F.W. will be sponsoring a Republic Party and a beef and dumpling dinner on October 13th. And the Town received a Thank-You card from Susan Uphole and the Delmar Public Library for the contributions the Town made.

Council Comments

Council Member Boyan stated that the road work and sidewalk work in front of his house on Grove Street is not acceptable. There are a lot of cracks and potholes already and it is a newly paved road. He was questioned to see if this was part of the new paving project that was just completed. He stated that it was. Josh Taylor from DB&F stated that they do a video inspection prior to the project being started. He is not sure if in front of Council Member Boyan's house was part of this latest project. Council Member Boyan said that there were borings in the road that were never patched up. He also said that the sidewalks were not level after the repairs were completed.

Town Manager Bynum-King said that the Town allocated funds to eliminate the trip hazards on the sidewalks throughout Town. The method used was not to level the sidewalks, but was to take away the trip hazards. Council Member Boyan provided pictures to the Town Manager of the items he was speaking of.

Vice Mayor Pase said that the leaves are coming off the trees earlier this year. Street sweeping was done today and hopefully no one is raking their leaves into the streets.

Adjournment

Vice Mayor Pase made a motion for adjournment which was seconded by Council Member Boyan. The motion passed with 5 ayes and 0 absent.

Submitted by:



Cindy Fisher
Clerk of Council