

The Town of Laurel  
Mayor & Council Meeting  
September 19, 2022

A Mayor & Council Meeting was held in the Mayor & Council Chambers at the Laurel Town Hall, on Monday, September 19, 2022, beginning at 7:13 p.m. The following persons were in attendance Mayor John Shwed, President of Council Chris Calio, Council Members Robin Fisher-Cornish via ZOOM, Cheryl Martin via ZOOM, Jonathan Kellam, and Donald Holden. Also, in attendance were Director of Code Enforcement Ken West, Chief Dan Wright, Alderman Taylor Oliphant, Finance Manager Mary Introcaso, and Town Manager Jamie Smith. It was noted that Councilman Randy Lee, Public Works Director James Foskey, and Recording Secretary Alexis Oliphant were absent.

Mayor Shwed presented the Large Parcel Development Overlay District (LPD-OD) Presentation pertaining Axiom Engineering, LLC for Whaley Properties, LLC, Tax Map #232-12.00-106.01. Town Manager Smith stated Mr. Ken Christenbury from Axiom Engineering, Mr. Bob Wheatley, and Mrs. Linda Smith from Your Place are in attendance tonight. Mr. Christenbury stated the proposed LPD-OD will be located at the Northeast corner of Rt. 13 and on Rt. 9 behind the gas station. The proposed development will be considered as luxury apartments with 6 apartment buildings with three levels totaling of 180 apartments. The parcel located on Rt. 13 will be proposed as commercial pads to serve the residents at the development. Mr. Christenbury stated the Planning & Zoning Committee revised the parking spaces from 2.5 parking spaces required to 2.2 parking spaces required. Mr. Christenbury stated the Planning & Zoning Committee brought up the concern pertaining fire apparatus maneuvering through the development. Mr. Christenbury explained they utilized a software that featured a 45-foot bus that was able to navigate in the development. The landscape plan consisted of 80 shade trees, 102 evergreen trees, 92 flowering shrubs, and 43 small shrubs.

Mayor Shwed inquired if Mayor & Council had any questions pertaining the LPD-OD. Councilwoman Fisher-Cornish inquired the costs of the rental apartments. Mrs. Smith stated the costs will between \$1,600 to \$2,000. Councilwoman Martin inquired about the entrances of the development. Mr. Christenbury stated the development has two proposed entrances one off Rt. 9 in front of Bargain Bills and the second proposed entrance is off of Rt. 13 and it will only be accessible north bound. Councilman Kellam inquired about the increase of traffic on Rt. 9. Town Manager Smith stated they must work with Del-DOT as both roads are state maintained and a traffic study must be completed. Councilwoman Martin inquired how the management company will handle problems. Mrs. Smith stated the development will house an on-site manager Monday through Friday and an on-call maintenance person. Mrs. Smith advised under Delaware Law a 7-Day Violation will be served to the violator and they have an allotted time period to cure the violation and if it isn't resolved they can file for possession of that unit. Councilwoman Martin inquired if the development will be considered the towns tax base. Town Manager Smith stated yes. Mrs. Smith advised they have several amendments to the lease, which she can provide to Mayor & Council if they wish.

Mayor Shwed inquired if residents had any questions pertaining the LPD-OD. Mr. Sikora, resident of East Fourth Street, inquired if the development will have any guest parking. Mrs. Smith stated

the development will have overflow parking. Mr. Sikora inquired if fire apparatus will be able to maneuver through the development. Mr. Christenbury stated yes, they modeled a 45-foot bus in a navigation software through the development. Mrs. Kramer inquired if the apartments will house 1, 2, & 3 bedrooms. Mrs. Smith stated yes, we will house 1, 2, & 3 bedrooms. Mrs. Kramer inquired if the school district will be able to handle the additional capacity of students. Town Manager Smith stated they must go through the PLUS Process, which means they must go through all state agencies including the Department of Education for their questions and concerns pertaining the development. Mr. Adams advised the traffic on Rt. 9 is already heavily congested and with this proposed development the traffic will become more congested. Town Manager Smith stated they must complete a Traffic Study per Del-DOT and they must complete a Traffic Count that calculates the traffic during various times of the year to determine the traffic flow. Councilwoman Fisher-Cornish inquired if the current town staffing will be able to handle the additional rental inspections. Director of Code Enforcement West stated yes, our staffing can handle to the additional rental inspections. Mayor Shwed inquired the projected time period of this development. Mr. Christenbury stated the proposed development could break ground in Spring of 2024.

The Mayor & Council Regular Session Minutes of August 15, 2022, were presented for review and adoption. President of Council Calio made a motion to accept the regular session minutes of August 15, 2022. Councilman Holden seconded the motion. Vote was 6-0, with Councilman Lee absent.

The August 2022 Department Head Reports were presented for review.

- Director of Code Enforcement West stated he had no additions to his report.
- Mayor Shwed stated Public Works Director Foskey isn't in attendance tonight but his reported was submitted for review. Town Manager Smith advised the town and GMB met with Del-DOT last week pertaining the King Street Bridge and it will be a year before the project goes out to bid.
- Chief Wright advised he had no additions to his report. Mr. Sikora, resident of East Fourth Street, inquired if property owners own the sidewalk. Mayor & Council stated yes. Mr. Sikora inquired if cars are allowed to park on sidewalks. After a brief discussion Mayor & Council advised Town Manager Smith to determine if there is a town ordinance or town code pertaining parked cars on sidewalks.
- Alderman Oliphant stated she had no additions to her report. Mayor Shwed thanked Alderman Oliphant for her service to the town and wished her the best of luck in her future endeavors. Town Manager Smith advised Judge Ruffin will be filling in until a full time Alderman is hired. The town will begin the hiring process in October so the new candidate can be approved by the Senate and confirmed by the Governor in January.

- Finance Manager Introcaso stated she had no additions to her report. Town Manager Smith stated the requested proposals for the new auditor are due in October.
- Town Manager Smith stated this Friday, September 23, 2022, KAOTIK will be performing at Market Street Square Park at 6:30 p.m. and is free to the public. Town Manager Smith stated the town will be hosting their 5<sup>th</sup> Annual Trunk or Treat on Saturday, October 29, 2022, from 7:00 p.m. to 9:00 p.m. at the Laurel Elementary School – Bus parking lot pending the school districts approval. Town Manager Smith stated One-Laurel hosted a free lunch for Service Personnel last week and an estimated 400 people were fed. Mayor Shwed highlighted that WaWa has gone to Del-DOT pertaining an Entrance Way Permits. Town Manager Smith stated yes, they still have a process, and they still need to meet with the town.

Councilman Kellam made a motion to accept the August 2022 Department Head Reports. Councilwoman Fisher-Cornish seconded the motion. Vote was 6-0, with Councilman Lee absent.

Mayor Shwed presented the discussion of Zoning Ordinance Proposed Amendments. Town Manager Smith stated she wanted Mayor & Council's concerns and comments before the first reading. With no questions or comments, the first reading of the proposed Zoning Ordinance Amendment will be held on Monday, October 17, 2022.

Mayor Shwed presented the LPD-OD Approval RE: Axiom Engineering, LLC for Whaley Properties, LLC, Tax Map #232-12.00-106.01. Town Manager Smith stated the Planning & Zoning Committee made a recommendation to Mayor & Council to approve the LPD-OD. She explained the approval will be a preliminary approval with final approval received when they go through the PLUS Process and when they receive all state permits. Councilman Kellam made a motion to approve the LPD-OD pertaining the Axiom Engineering, LLC for Whaley Properties, LLC, Tax Map #232-12.00-106.01 with approval pending from PLUS and awaiting state permits. Councilwoman Martin seconded the motion. Vote was 6-0, with Councilman Lee absent. Mr. Wheatley stated he has lived in Laurel for fifteen years and there is a lot of pride in the town.

Mayor Shwed presented the Bid Recommendation 7<sup>th</sup> Street Watermain Replacement. Town Manager Smith stated in 2019 the State of Delaware offered a principle forgiveness loan in the amount of \$501,246 pertaining the Watermain Along 7<sup>th</sup> Street. Town Manager Smith advised the town received a low bid in the amount of \$745,750. The engineer's construction cost estimate was \$356,328 prepared in 2019. The towns engineer contacted contractors pertaining the increase and it's due to increase of labor costs and materials. The towns engineer reached out to DWSRF pertaining any extra funding and they advise they don't have any extra funding this year, but they will continue to work with town next fiscal year for funding. Town Manager Smith recommended Mayor & Council to deny all bids until the town receives additional funding next fiscal year. President of Council Calio made a motion to deny all bids received until the town has additional

funding next fiscal year. Councilman Holden seconded the motion. Vote was 6-0, with Councilman Lee absent.

Mayor Shwed presented Resolution 2022-7 RE: Delaware Park & Recreation Grant. Town Manager Smith stated the towns Pre-Grant Application was approved in the amount of \$6,2425 (75/25) match for the pavilion for electricity at Tidewater Park. The town has received a match utilizing Community Transportation Funds from local legislators. Councilwoman Martin made a motion to accept Resolution 2022-7. Councilman Kellam seconded the motion. Vote was 6-0, with Councilman Lee absent.

Mayor Shwed presented the Halloween Date. Town Manager Smith proposes that the town holds their annual “Trick or Treat,” on Monday, October 31, 2022 from 6:00 p.m. to 8:00 p.m. for children 12 and under. Councilwoman Martin made a motion to accept the Halloween Date for Monday, October 31, 2022. Councilman Kellam seconded the motion. Vote was 6-0, with Councilman Lee absent.

Mayor Shwed presented Development Updates. Town Manager Smith presented the following Development Updates:

- ***Mariano Development:*** They’re working with state agencies to obtain all necessary state approvals prior to obtaining final approval from P&Z.
- ***Whaley Property:*** LPD-OD was approved by Mayor & Council this evening.
- ***Commercial Site – U.S. Route 13:*** Developer is hoping to have property purchased finalized so he can begin the annexation process within the next several weeks.
- ***Residential Site – Central Avenue:*** A subdivision has been granted and the developer is working with Del-DOT for Entrance Permit.
- ***Rigbie:*** Owner received approval by P&Z for reconstruction of the building. Now that approval has been obtained, the owner must move forward with building plans to present for review and approval by the Code Office.
- ***Laurel Dutch Inn:*** Work had begun but the town issued a Stop Work Order.

Councilwoman Fisher-Cornish stated it’s good to see our town is progressing.

Councilwoman Martin thanked the police department for their efforts and stated it’s trying times.

Councilman Kellam thanked all the volunteers who helped at last weeks One-Laurel Event and thanked the town staff for all they do.

Mayor Shwed stated he is pleased to see all the activities that are being held in town.

Mrs. Kramer inquired about the highway sign status. Town Manager Smith stated the agreement was sent to Del-DOT where it has been finalized. She is awaiting word from Del-DOT's Safety Department and once she hears back installation can begin.

With there being no further business, Councilwoman Martin made a motion to adjourn the meeting. President of Council Calio seconded the motion. Vote was 6-0, with Councilman Lee absent.

Meeting Adjourned at 8:20 p.m.

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Mayor

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President of Council

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Town Manager

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Recording Secretary