

# MAYOR & COUNCIL

## December 4, 2017

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, and Clerk of Council Fisher. Guests: Chris Brown, Mike Schaffer, Misty Jones, David Gibson, Lisa Conley, Delmar Fire Chief Shawn Johnson and Delmar Police Lt. Wade Alexander.

The Mayor and Council performed the Pledge of Allegiance.

### **Mayor's Comments**

Mayor Houlihan welcomed everyone to the meeting and asked if anyone would be addressing the Council this evening to sign in at the podium.

Mayor Houlihan said that in the last 3 weeks, the Town of Delmar has won 2 State Championships. First it was the Delmar lady's field hockey team and then the Delmar football team; which makes 7 state championships the Delmar football team has won. When the teams come back into Town from winning the championships, the Town celebrates. We have a parade with the fire equipment that goes all through the Town. And yes, we make a lot of noise. He said that he personally attended both of the winning games along with a lot of the student body, alumni and residents. Everyone was full of emotion.

### Oath of Office- Misty Jones- Delmar Parks and Recreation Council

Mayor Houlihan administered the Oath of Office to Delmar, DE resident Misty Jones for the Delmar Parks and Recreation Council.

### **Approval of Minutes**

Vice Mayor Pase made a motion to approve the November, 2017 minutes as circulated. Council Member Boyan seconded the motion which passed with 5 ayes and 0 absent.

### **New Business**

First Reading- Ordinance # 170- An ordinance to amend Ordinance # 140 to allow either the Town Police Department and/or the Town Code Enforcement Officer to take custody and remove inoperative vehicles to storage areas designated by the Town.

Mayor Houlihan read the Ordinance in its' entirety. The Public Hearing is scheduled for January 2, 2018 after being advertised in a local newspaper. Town Manager Bynum-King said that the primary purpose for this ordinance amendment is to add the Code Enforcement Officer as an authorized agent to have vehicles in violation on properties towed without having to go through the Police Department to do so. The Police Department will still have the enforcement powers to remove any vehicle in violation parked on the public right of ways within Town.

Council Member Holmes made a motion to accept the First Reading of Ordinance # 170 which was seconded by Council Member Smith. The motion passed with 5 ayes and 0 absent.

## **Committee Reports:**

### Police Chief's Report

Lt. Alexander was present this evening for the Delmar Police Department. He asked everyone to do their due diligence in keeping their eyes open. Robberies and burglaries increase this time of year. He also mentioned that the Delmar Police Department participated in "No Shave November" to help raise money to purchase gifts for their "adopted family" this holiday season. The recipient is a family that is designated by the Delmar School District as being in need. The Department raised \$400.00 which will help with the purchasing of gifts for the chosen family.

### Code Enforcement Officer Report

Mayor Houlihan reviewed the report that was included in the mail packets. Town Manager Bynum-King informed the Council that today on a rental inspection, the Code Enforcement Officer did fall at the property. He is already scheduled to be out starting tomorrow for a surgical procedure and will be out for the next couple of weeks. His fall was due to a pre-existing condition.

### Fire Department Report

Chief Shawn Johnson said that it is rare for him to be able to attend the Delaware meetings, since it falls on the same night as the Fire Department's meetings. But once a year they have to hold a meeting in Maryland and that is scheduled for tomorrow night, which he will be attending. Chief Johnson said that he will be trying to attend the Maryland meetings since the Department doesn't have meetings scheduled that evening.

He reported that they have been busy. He informed the Council that Maryland has changed their smoke detector law starting on January 1, 2018. All battery operated smoke detectors will need to be replaced with units powered by sealed-in, ten year long-life batteries with a "silence/hush" feature. Even though this is a Maryland requirement, he would like to see Delaware enforce it as well, especially in the rental units. The Fire Department no longer has a massive supply of smoke detectors on hand. Anything they do have will be handed out based on need to owner/occupied residents. Landlords will be responsible for supplying smoke detectors to their rental units.

The biggest changes is that it affects all houses on the Maryland side built prior to July 1, 1975. He said that there is a meeting at the County on December 21<sup>st</sup>, in which he will be attending.

Chief Johnson said that he asked Mayor Wells to put it on Facebook that the fire engines will be going around Town after the winning football team arrived back in Town.

### Utility Commission

Vice Mayor Pase reported that there will be a progress meeting for the back-up well on December 10<sup>th</sup>. She said that the project was basically done with a few little things to clear up. She also informed the Council that that the Town has received a letter from the State of Maryland accepting the recommendation from the Town's engineers for awarding the contract for the upgrade to the Pine Street Pump Station to Teal Construction.

Town Manager Bynum-King reported that there was a slip-lining project done on the Delaware side on Second Street between Francis and Rose Streets that occurred last Thursday. The project happened rather quickly and the residents impacted did not receive adequate notice. That issue has been addressed. The residents were coming home from work and many of them had odors in their houses that they did not know where it was coming from. Some of the residents called the fire department who didn't know about the project either. It was an unfortunate

situation. Things will be done differently moving forward.

Mayor Houlihan also added that Water Operator Bob Windsor retired last month after 20 years of service. He said that he is looking forward to the next phase of his life.

#### Public Works

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

#### Planning & Zoning

Council Member Boyan reported on the following:

##### Chris Brown- Ryan Homes- New Home Build- Lot 110, Buckingham Drive, Yorkshire Estates, Delmar, DE, Homestyle 1918, Elevation B

After reviewing the plans, Council Member Smith made a motion to accept the favorable recommendation from Planning and Zoning for the new house build on Lot 110, Buckingham Drive, Yorkshire Estates, Delmar, DE. Homestyle 1918, Elevation B, per the attached drawings. Council Member Boyan seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

##### Chris Brown- Ryan Homes- New Home Build- Lot 111, 36426 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Homestyle 1680, Elevation A

After reviewing the plans, Vice Mayor Pase made a motion to accept the favorable recommendation from Planning and Zoning for the new house build on Lot 111, 36426 Carriage Walk Lane, Yorkshire Estates, Delmar, DE. Homestyle 1680, Elevation A, per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

##### Chris Brown- Ryan Homes- New Home Build- Lot 112, 36428 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Homestyle 1918, Elevation A

After reviewing the plans, Vice Mayor Pase made a motion to accept the favorable recommendation from Planning and Zoning for the new house build on Lot 112, 36428 Carriage Walk Lane, Yorkshire Estates, Delmar, DE. Homestyle 1918, Elevation A, per the attached drawings. Council Member Smith seconded the motion which passed with 4 ayes, 0 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

##### Chris Brown- Ryan Homes- New Home Build- Lot 113, 36432 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Homestyle 1918, Elevation A

Council Member Boyan informed the Council that the Planning and Zoning Commission gave an unfavorable recommendation for this home build. For the past 3 months, the Planning and Zoning Commission has been trying to enforce Ryan Homes own rules of not building the same house style on Lots next to each other. Planning and Zoning had 3 last month and 3 more this month with the same circumstances with Homestyle 1918. The Commission is worried that this development will end up looking cookie cutter. Council Member Holmes said that he lives in the development and when he looks out his window to the new houses across the street, except for the short awnings over the doors they all look alike.

Vice President of Ryan Homes, Mike Shaffer introduced himself and said that this program with the elevations and floor plans are ideal for the work force. They do vary a little with peaks and roof lines. There is something a little different about all of them. He said that there are only so many ways to create a box. Their model home is their most popular seller. Mr. Shaffer said that they are offering 4 plans with 2 separate looks. He said that he can't tell

the homebuyer that they can't buy a particular home style.

Council Member Boyan said that in other developments there have been restrictions that the houses next to each other cannot be the same home style. The sellers will not offer those home styles to potential buyers.

Mr. Shaffer said that the intention is to have just enough of a tweak in the houses to make them different. Council Member Holmes suggested that there be at least one Lot on each street designated for the 5 bedroom house. It would off-set the street line and make it so it is not box after box after box.

Mayor Houlihan said that he understands the position of Planning and Zoning Commission, having served as the chair of the Commission for quite a few years. The Council is looking at the existing property owners that have already bought into the development. The housing style is completely different than that at the beginning of the development. He wants to find a happy medium where all the houses are not cookie cutter. Mayor Houlihan suggested that Mr. Shaffer go back to the Planning and Zoning Commission with this request and explain to them the strategy behind their decision making. He said that the Town wants to work with Ryan Homes now and in the future.

Town Manager Bynum-King stated that one of the things that has been challenging for the Town as far as developments are concerned is some of them have been sitting dormant for so long. Now we have a developer actually selling houses faster than he can build them. The Town is not looking forward to a cookie-cutter development. The basis of the Planning and Zoning Commission's decision is to hold Ryan Homes accountable to their own policy of not having the same home-styles next door to each other. There needs to be some clarification on what the policy actually is, then Planning and Zoning can take that into consideration. Planning and Zoning can only give a recommendation, it is the Council that has the final say.

Council Member Boyan made a motion to table this discussion and direct this request back to the Planning and Zoning Commission. Vice Mayor Pase seconded the motion which passed with 4 ayes and 0 absent and Council Member Holmes abstaining.

### **Town Manager's Report**

Town Manager Bynum-King informed the Council that the Town did receive grant funding through the State of Delaware for State Street Park. These funds will match the funds already earmarked for this project. So there will be a very nice Tot Lot in State Street Park.

Also, the Town did receive notification that the Delmar Police Department received an award through the COPS grant through the Department of Justice. It is for 1 officer and will be \$125,000 in federal funds and a \$43,147 cash match which will be split between Delmar, Maryland, Delmar, Delaware and the Delmar School District for over a 3 year period. The Town Manager said that this is a very competitive grant.

Town Manager Bynum-King said that the Town received a letter from Susan Upole, the Director of the Delmar Library thanking the Town for their contribution towards their operations.

The Town Manager announced that Republic Services, will be picking up discarded natural Christmas trees throughout the month of January on the regular garbage pick-up dates for both Delmar, Maryland and Delmar, Delaware.

Town Hall will be closed Monday and Tuesday, December 25<sup>th</sup> and 26<sup>th</sup> as well as Monday, January 1<sup>st</sup>, 2018.

Town Manager Bynum-King said that the Town did receive a letter from a property owner on Jewell Street asking about a vacant lot the Town owns that is adjacent to his. He is wondering if the Town would be willing to sell it to him; he wants to build on the lot as well as have space for parking. She said that she will forward the letter from the property owner to the Council. The property is actually costing the Town money to maintain. If we sell the property then it can be part of our tax base. The Town acquired the property due to having liens against it. It was abandoned and through the tax sale we acquired the property. It had a large house on it at one time which was taken down long ago.

The consensus of the Council was for the moving forward in the selling of the property since the Town is not benefitting from owning it.

### **Commission Comments**

Mayor Houlihan said that he worked with the Town Manager to have Code Enforcement condemn a house on Second Street and now is in a contract with a demolition team to demolish the house. The removal of the deteriorated house will eliminate slum and blight conditions.

Council Member Boyan offered congratulations to both the championship teams at Delmar High School.

Council Member Smith thanked everyone you supported, participated in and attended the Love Light Tree lighting ceremony at State Street Park. It was better attended than any in the past and was very successful. He wished everyone a Merry Christmas and a Happy New Year.

Vice Mayor Pase also offered congratulations to the 2 State winning teams from Delmar High School. She said that's what Delmar is all about, to support our children and students and hopefully making them better people. She also wished everyone a Merry Christmas and a Happy New year.

Mayor Houlihan thanked Council Member Smith and his wife Joy, on their 5<sup>th</sup> year of the Love Light Tree Ceremonies. He thanked Public Works and the electric company for putting up the snowflakes on the poles and the banners and he said that he liked the new benches in State Street Park. He wished everyone a Merry Christmas and a Happy New Year.

He said that the Christmas Parade has been rescheduled for December 16<sup>th</sup> at 2:00 p.m. Usually everyone gathers at Town Hall around 1:30 p.m. He wanted some idea of who would be participating in the parade. Vice Mayor Pase, Council Members Holmes and Boyan said that they would. Mayor Houlihan suggested that an email be sent to the Mayor and Commissioners to see who else would be participating in the parade.

### **Public Comments-**

Mr. David Gibson from New Life Commission stated that he is the Educational Coordinator for the Church and he is offering Constitution sessions starting January 10, 2018. He said that the current class is already half way through their session. Council Member Smith said that he appreciated that the New Life Commission took the time to speak with him last night at the Tree Lighting ceremony.

Delmar Fire Chief Johnson thanked the Mayor and Council for the device that's being used on the EMS units. He apologized for not making the Love Light Tree Ceremony but they had an alarm. He also said that on Christmas

Eve the fire truck carrying Santa Clause will make a stop to their adopted family's house and make some special deliveries. The Fire Department has adopted a family every year since 2008.

Mrs. Lisa Conley introduced herself and said that at first she had approached the Delmar Chamber of Commerce, who directed her to the Council. She informed the Council that in Rockville, Maryland there are banners throughout the Town recognizing WWII veterans. She was in Chincoteague, Virginia this summer and they had soldiers' banners everywhere honoring their service men. She suggested that maybe the Town of Delmar could do the same. It was brought up that Mardela Springs, Maryland does this also. Mrs. Conley said that if the Council would like more information she can provide it.

Vice Mayor Pase said that it would take a lot of work to do something like that. The Vice Mayor suggested that Mrs. Conley could drop the information off at Town Hall and it would be forwarded to the Town Manager.

### **Adjournment**

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

