

# MAYOR & COUNCIL

## January 2, 2018

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, and Clerk of Council Fisher. Absent: Council Member Smith and Police Chief Barkley. Guests: Delmar Police Dept. Lt. Wade Alexander, Chris Brown and Darlene Matthes.

### **Mayor's Comments**

The Mayor and Council performed the Pledge of Allegiance.

Mayor Houlihan informed the Council that Council Member Smith is under the weather and would not be here this evening.

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

Mayor Houlihan stated that it is scheduled for a Public Hearing this evening which has been advertised in the local newspaper. Mayor Houlihan read Ordinance # 170.

Council Member Boyan made a motion to open up the hearing to public comments. Council Member Holmes seconded the motion which passed with 4 ayes and 1 absent.

Upon hearing no public comments or Council comments, Council Member Holmes made a motion to close the public comment portion of the hearing. The motion was seconded by Council Member Boyan and passed with 4 ayes and 1 absent.

Council Member Boyan made a motion to approve Ordinance # 170 as read this evening. Council Member Holmes seconded the motion which passed with 4 ayes and 1 absent.

### **Approval of Minutes**

Vice Mayor Pase made a motion to approve the December, 2017 minutes as circulated. The motion was seconded by Council Member Boyan and passed with 4 ayes and 1 absent.

### **Committee Reports:**

#### Student Advisory Report

No one was present to give a report.

#### Police Chief's Report

Lt. Alexander was present this evening to give the report. He reported that on December 14<sup>th</sup>, there was an armed robbery at the Corner Market. The robbery suspect is still at-large. They are tracking down leads and have recovered the weapon used along with a glove. They have been sent off to be swabbed for DNA. No one was hurt or injured in the robbery.

On December 19<sup>th</sup>, 2 children were reported abducted near the Delmar Elementary School. The children who reported the abduction were interviewed and after 3 hours of questioning, the children admitted that they made the whole story up. They stated that they watched Practical Jokers the night before on television.

Lt. Alexander stated that Chief Barkley wanted him to make clear some of the news misinformation that was in reference to the prostitution sting in Delmar. This was a sting operation put on by the Maryland State Police. In the initial press release the media twisted the information around and stated that there had been complaints made by citizens and local businesses. That was not the case. The Maryland State Police chose the location of the Holiday Inn as the place for their sting. Chief Barkley called the Barrack Commander the next morning and he was told that another press release would be put out that morning to clear up the misinformation, but that never happened. The location was only used as a sting location. The Commander stated that he was not aware that the Holiday Inn was in the corporate limits of Delmar.

#### Code Enforcement Officer Report

Town Manager Bynum-King stated that our Code Enforcement Officer is out on medical leave. He has a doctors' appointment on the 19<sup>th</sup> so at that time it can be determined when he'll be able to return to work.

#### Fire Department Report

No one was present to give a report.

#### Utility Commission

Vice Mayor Pase said that except for a few minor punch list items, the back up well is complete. There is no new information on the Pine Street pump station project. Mr. Richard Rush from Baracah Homes was present at the Utility meeting and was asking for a refund on some work that was done. That discussion was tabled and will be brought back up next month.

Mayor Houlihan said that the completion back-up well has been years in the making. Town Manager Bynum-King said that it is operating according to design and will be alternating with well 3A.

#### Public Works

Mayor Houlihan reviewed the report that was include in the mail packets.

#### Planning & Zoning

Council Member Boyan reported on the following recommendations made by the Planning and Zoning Commission:

Chris Brown- New Home Build- 11525 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 84, House Plan 1296, Elevation A

Vice Mayor Pase made a motion to accept the favorable recommendation of Planning and Zoning for the new-home build- 11525 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 84, House Plan 1296, Elevation A, per the attached drawings. Council Member Boyan seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Chris Brown- New Home Build- 11537 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 85, House Plan 2203, Elevation A

Vice Mayor Pase made a motion to accept the favorable recommendation of Planning and Zoning for the new-home build- 11537 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 85, House Plan 2203, Elevation A, per

the attached drawings. Council Member Boyan seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Chris Brown- New Home Build- 11543 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 86, House Plan 1296, Elevation A

Council Member Boyan made a motion to accept the favorable recommendation of Planning and Zoning for the new- home build- 11543 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 86, House Plan 1296, Elevation A, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Chris Brown- New Home Build- 11549 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 87, House Plan 2203, Elevation B

Vice Mayor Pase made a motion to accept the favorable recommendation of Planning and Zoning for the new-home build- 11549 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 87, House Plan 2203, Elevation B, per the attached drawings. Council Member Boyan seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Chris Brown- New Home Build- 11462 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 102, House Plan 1296, Elevation B

Council Member Boyan made a motion to accept the favorable recommendation of Planning and Zoning for the new- home build- 11462 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 102, House Plan 1296, Elevation B, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Chris Brown- New Home Build- 11482 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 103, House Plan 1918, Elevation A

Vice Mayor Pase made a motion to accept the favorable recommendation of Planning and Zoning for the new-home build- 11482 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 103, House Plan 1918, Elevation A, per the attached drawings. Council Member Boyan seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Chris Brown- New Home Build- 11496 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 104, House Plan 1296, Elevation B

Vice Mayor Pase made a motion to accept the favorable recommendation of Planning and Zoning for the new-home build- 11496 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 104, House Plan 1296, Elevation B, per the attached drawings. Council Member Boyan seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Chris Brown- New Home Build- 11496 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 104, House Plan 1296, Elevation B

Vice Mayor Pase made a motion to accept the favorable recommendation of Planning and Zoning for the new-home build- 11496 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 104, House Plan 1296, Elevation B, per the attached drawings. Council Member Boyan seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Chris Brown- New Home Build- 11512 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 105, House Plan 1918, Elevation A

Council Member Boyan made a motion to accept the favorable recommendation of Planning and Zoning for the new- home build- 11512 Buckingham Drive, Yorkshire Estates, Delmar, DE. Lot 105, House Plan 1918, Elevation A, per the attached drawings. Vice Mayor Pase seconded the motion which passed with 3 ayes, 1 absent and Council Member Holmes abstaining since he lives in Yorkshire Estates.

Council Member Boyan stated that the Vice President from Ryan Homes was present at the last Planning and Zoning meeting. He was made aware of the concern of the Planning and Zoning Commission members that all the homes were the same style. He is working with the Town and withdrew the request for a new home build on Lot 113 where there were 3 of the same house style in a row.

Darlene Matthes- New Signage for Dollar Tree, 38627 Benro Drive, Delmar, DE

Council Member Boyan informed the Council that The Dollar Tree is expanding into the location where Anytime Fitness was located.

Council Member Holmes made a motion to accept the favorable recommendation from Planning and Zoning for new signage for The Dollar Tree located at 38627 Benro Drive, Delmar, DE, per the attached drawings. The motion was seconded by Council Member Boyan and passed with 4 ayes and 1 absent.

Mayor Houlihan informed everyone that a Delaware Board of Adjustments meeting was held in December. The discussion was tabled until Tuesday, January 16, 2018. The request is for a change of a property line but the wrong property owner petitioned for the variance.

**Town Manager's Report**

Town Manager Bynum-King said that upon returning from vacation, she received notification that Mr. George Wright of the League of Local Governments passed away on December 21<sup>st</sup>. He provided guidance to a lot of local governments throughout the State. She said that he will be greatly missed in the State.

She reminded everyone that Republic Services will be collecting Christmas trees throughout the month of January.

Our Code Enforcement Officer is still out on medical leave. Community Development Coordinator Hardin is filling in. The Town is putting on hold all the rental inspections. The Code Enforcement Officer goes back to the doctor's on the 19<sup>th</sup> and hopefully we will get a better understanding on when he is able to come back to work.

The Town Manager asked for an Executive Session after this meeting for a legal personnel matter.

**Commission Comments**

Council Member Holmes said that the Delmar Police Department does a great job. He also said that they need to pay more attention to the handicapped parking spaces. Near where the Anytime Fitness gym is located, people are parking in the handicapped parking spaces and going into the gym, they are also parking on the sidewalks in front of the stores. There are cars lining up in front of the stores next to the sidewalk instead of parking in the parking spaces, which makes it hard for handicapped individuals to get onto the sidewalks.

Lt. Alexander said that anytime anyone sees misuse of the handicapped parking to inform the Police Department right a-way.

Council Member Boyan said that he also hates to see people using the handicapped parking who are not handicapped. He said that it is nice to see lots of expansion in Delmar. He wished everyone a Happy New Year.

### **Adjournment into Executive Session**

Vice Mayor Pase made a motion to go into Executive Session. The motion was seconded by Council Member Boyan and passed with 4 ayes and 1 absent.

Those present in the Executive Session were Mayor Michael Houlihan, Vice Mayor Mary Lee Pase, Council Members Craig M. Holmes and William Boyan, Town Manager Sara Bynum-King. Absent was Council Member Gregory Smith. The purpose of the Executive Session was for the Delaware Council to discuss a letter received from Mr. Murray-Sheppard, with the State of Delaware Public Employment Relations Board, regarding a petition from the Delmar Police Officers for Collective Bargaining rights. A motion was made and seconded to return to regular session, by Vice Mayor Pase and Council Member Boyan. A motion was made and seconded by Council Member Boyan and Council Member Holmes for the Town Manager to send a letter to Ms. Murray-Sheppard stating the Delmar, Delaware Elected body is opposing the petition submitted by the Delmar Police Department. That motion passed with 4 ayes and 1 absent. A motion was made and seconded by Vice Mayor Pase and Council Member Boyan to adjourn to a regular meeting with 4 ayes and Council Member Smith absent.

Submitted by:

Cindy Fisher  
Clerk of Council

