

## **Joint Council July 12, 2021**

The regularly scheduled Joint Council meeting, comprised of the Mayor & Council of Delmar, DE and Mayor and Commissioners of Delmar, MD, was called to order at 7:00 p.m. at Delmar Town Hall and via teleconference by Mayor Houlihan. In attendance via role call were Mayor Wells, Mayor Houlihan, Deputy Mayor Unsell, Vice Mayor Pase, Commissioners Scholl and Lenox, Council Members Smith, and Jones, Town Manager Bynum-King, Attorney Robert Benson Esq., and Clerk of Council Spencer. Guests: Dawn Turner, Steven Franklin, Robert Aldrich, Roberta Aldrich, Robin Bond, Bryce Bond, Dan Feaster, Anita Feaster, Matthew Heacock, Tracey West-Nay, Penny Glasgow, Alice Barth, Angel Calloway, Jennifer Smithhart, Rachel Lord, Linda Morris, Glen Clutter, Tanja Giles, Dipal Patel, Mickie Hughes and Chris Brown. Absent: Commissioner Tucker and Council Member Ward.

### ***Called to Order***

Mayor Houlihan called the meeting to order at 7:00 p.m., and lead the Pledge of Allegiance.

### ***Mayor Comments***

None.

### ***Approval of Minutes***

Mayor Wells asked for a motion to approve the Joint Council May 24, 2021 minutes. A motion was made/seconded (Scholl/Jones) by roll call vote 8 Ayes 2 Absent (Tucker and Kemp).

Mayor Wells asked for a motion to approve the Mayor and Commissioners June 14, 2021 minutes. A motion was made/seconded (Lenox/Unsell) by roll call vote 4 Ayes 1 Absent (Tucker).

Mayor Houlihan asked for a motion to approve the Mayor and Council June 7, 2021 minutes. A motion was made/seconded (Smith/Jones) by roll call vote 3 Ayes 1 Abstain (Pase) 1 Absent (Kemp).

### ***New Business***

None.

### **Police Chief's Report**

Chief Barkley's reported as follows: 1.) Currently we still have 10 active police officers, 6 on patrol, 2 in administration, 1 School Resource Officer, 1 DEA Task Force Officer. We have 1 new officer who is in field training to finish his Delaware certification and 1 new officer that

started the Police Academy on July 7<sup>th</sup> and hopefully will graduate in December. As of today, we still have two current vacancies. 2. We are still working modified shifts covering 19 hours per day 7:00 a.m. thru 2:00 a.m. The remaining five hours are still covered by DSP, Sheriff's Office and MSP thru coverage agreements. 3.) We have also been offering overtime to supplement shift shortages in an attempt to have two officers on duty during those working hours. 3.) Both the Lieutenant and myself will assist with calls during normal office hours. 4.) On June 19<sup>th</sup> officers responded to Wawa in reference to a fight in progress. Upon arrival it was determined to be a domestic, with shots fired. All parties were located and the weapon was recovered as well as a quantity of crack and powder cocaine. Two people were arrested on multiple felony charges. One of those prisoners managed to break the fire suppression system setting off the sprinklers. The cost to repair that system is still unknown at this point. 5.) On June 26<sup>th</sup>, officers responded again to the Wawa on Rt.13 and Rt. 54 for a reported subject acting erratically. Upon locating that subject near McDonalds, it was determined that the individual was under some type of mental distress. After coming in contact with the officers that person began running down the highway and into traffic. Officers managed to subdue him and he was taken to Tidal Health for evaluation. Neither of the two calls were any of the individuals from Delmar.

Mayor Wells asked Chief Barkley if we had any open applications or still doing an open and closed period. Chief Barkley answered we are constantly open and we take applications year-round.

Mayor Wells stated that the Council had a facilitated meeting at which time it was discovered a problem with the pay scale in 2017. There was not a step in 2018 or 2019. She mentioned to Chief Barkley this Council or him were not aware of that until much later. She explained the 1033 money is being returned to him with a check dated of 6/24. Town Manager Bynum-King asked Mayor Wells for clarification of the years that are being returned for the second and third phase. Mayor Wells responded 2018 and 2019.

Council Member Jones asked Chief Barkley if he advertised for recruits. Chief Barkley answered no we have not advertised recently. Mayor Wells suggested MML to help with advertisement. Town Manager Bynum-King added her and Chief could go over the recruiting process.

Code Enforcement Officer Report: - The report is in the mail packets.

Public Works – The report is included in the mail packets.

Utility Commission –

Deputy Mayor Unsell reported: Due to the holiday last Monday and not a lot to discuss, there was not a Utility Meeting held.

Planning & Zoning –

Commission Scholl reported as follows:

Commission Member Scholl informed the attendees that the construction plans that are going to get voted on today were subdivided years ago and these are regular neighborhood build in phases. We are only discussing voting if it meets Town Code. This is not about whether we want additional construction this is about subdividing additional lots.

1. **Dipal Patel – New Home Build – Bridgewood Estates - Lot 35, 9137 Drawbridge Delmar, MD** – Commissioner Scholl stated that when they were in the 6/24/21 Planning and Zoning meeting we pointed out that your site plan did not have the boundary setback lines marked to the building and the motion was contingent on your site plan with the corners measured on it. Mr. Patel responded he is waiting for his surveyor to send him his paperwork but he had a paper from his architect that shows the setback line in the back is 30 feet. Commissioner Scholl responded that it was the corners up front that we discussed. Mr. Patel said he understood but if he looked at the setback line in the front it is 25 feet already. The corners are beyond the setback line but what he suggested is the back setback line which is 30 feet from the actual line, if that can be extended for this particular lot to 25 feet. Commissioner Scholl replied that required a variance. He informed Mr. Patel that would be at a separate meeting which is the Maryland Board of Zoning Appeals meeting. Town Manager Bynum-King described the process that would need to take place for the Maryland Board of Zoning Appeals meeting. Commissioner Scholl explained to Mr. Patel that he would have to withdraw this submittal because it could not be voted on without an attorney present. Mr. Patel agreed.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of – Dipal Patel – New Home Build – Bridgewood Estates – Lot 35 – 9137 Drawbridge Drive, Delmar, MD, per the condition the site plan having the measurements from the property lines to the building and the front corner within the front setback.

2. **Dipal Patel – New Home Build – Bridgewood Estates – Lot 28, 9082 Newbridge Drive, Delmar, MD** – Mr. Patel presented a new home build as referenced. Commissioner Scholl asked Mr. Patel did he have a buyer for this home already. Mr. Patel answered yes, his brother.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of – Dipal Patel – New Home Build – Lot 28, 9082 Newbridge Drive, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation for – Dipal Patel – New Home Build – Bridgewood Estates – Lot 28,

9082 Newbridge Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 4 Ayes 1 Absent.

3. **Dipal Patel – New Home Build – Bridgewood Estates – Lot 27, 9088 Newbridge Drive, Delmar, MD** – Mr. Patel presented a new home build as referenced.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of – Dipal Patel – New Home Build – Bridgewood Estates – Lot 27, 9137 Newbridge Drive, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation for – Dipal Patel – New Home Build – Bridgewood Estates – Lot 27, 9088 Newbridge Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 4 Ayes 1 Absent.

4. **Heather Estep or Mickie Hughes – New Home Build – Lot 6, Maryland Avenue, Delmar, MD** – Ms. Hughes presented a new home build as referenced. Commissioner Scholl asked if these were identical homes. Ms. Hughes answered yes. Commissioner Scholl questioned Ms. Hughes if both homes were 44 feet long. Ms. Hughes confirmed that both homes were 44 feet long.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of – Heather Estep or Mickie Hughes – New Home Build – Lot 6, Maryland Avenue, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation for – Mickie Hughes – New Home Build – Lot 6, Maryland Avenue, Delmar, MD, per the attached drawings with the correct dimensions being 44 x 28. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 4 Ayes 1 Absent.

5. **Heather Estep or Mickie Hughes – New Home Build – Lot 7, Maryland Avenue, Delmar, MD** – Ms. Hughes presented a new home build as referenced.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of – Heather Estep or Mickie Hughes – New Home Build – Lot 7, Maryland Avenue, Delmar, MD, per the attached drawing.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation for – Mickie Hughes – New Home Build – Lot 7, Maryland Avenue, Delmar, MD, per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 4 Ayes 1 Absent.

6. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Hudson – Lot 280, 9527 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Hudson – Lot 280, 9527 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Hudson – Lot 280, 9527 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 4 Ayes 1 Absent.

7. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Hudson – Lot 283, 9539 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Hudson – Lot 283, 9539 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Hudson – Lot 283 9539 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 4 Ayes 1 Absent.

8. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 353, 9343 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 353, 9343 Mulligan Way, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 353, 9343 Mulligan Way, Delmar, MD, per the attached

drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 4 Ayes 1 Absent.

9. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 358, 9333 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

Chairperson Scholl call for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 358, 9333 Mulligan Way, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 358, 9333 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 4 Ayes 1 Absent.

10. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 404, 9449 Rolling Green Drive, Delmar, MD** – Representative Chris Brown withdrew this submittal.

Chairperson Scholl called for a favorable recommendation to the Mayor and Commissioners for the approval of - Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 404, 9449 Rolling Green Drive, Delmar, MD, per the attached drawings.

Planning and Zoning (Delaware) –

Mayor Houlihan reports as follows:

1. **Glenn Clutter/Cunningham Piano Co. – New Signages – 38661 -5, -6 Sussex Highway, Delmar, DE** – Mr. Clutter presented new signages as referenced.

Chairperson Scholl called for a favorable recommendation to the Mayor and Council for the approval of – Glenn Clutter/Cunningham Piano Co. – New Signages – 38661 -5, -6 Sussex Highway, Delmar, DE, per the attached drawings. The motion was made/seconded (Outten/Kemp) and carried by roll call vote 4 Ayes.

Mayor Houlihan asked for a motion to accept the Planning Commissions favorable recommendation for – Glen Clutter/Cunningham Piano Co. – New Signages – 38661 -5, -6 Sussex Highway, Delmar, DE, per the attached drawings. A motion was made/seconded (Smith/Jones) and carried by roll call vote 4 Ayes 1 Absent.

- 2. Tanja Giles/Delmar Fitness – New Signage – 38613 Benro Drive, Suite 1, Delmar, DE** – Ms. Giles presented new signage as referenced. Mayor Houlihan asked Ms. Giles if this Gym was a 24/7 operation. Ms. Giles answered yes.

Chairperson Scholl called for a favorable recommendation to the Mayor and Council for the approval of – Tanja Giles/Delmar Fitness – New Signage – 38613 Benro Drive, Suite 1, Delmar, DE, per the attached drawings. The motion was made/seconded (Kemp/Outten) and carried by roll call vote 4 Ayes.

Mayor Houlihan asked for a motion to accept the Planning Commissions favorable recommendation for – Tanja Giles/Delmar Fitness – New Signage – 38613 Benro Drive, Suite 1, Delmar, DE, per the attached drawings. The motion was made/seconded (Jones/Smith) and carried by roll call vote 4 Ayes 1 Absent.

- 3. Chris Gilkerson – New Home Build – The Griffin – 13403 Grace Lane, Delmar, DE** – No representation available for Mr. Gilkerson but the Council moved forward with this submittal.

Chairperson Scholl called for a favorable recommendation to the Mayor and Council for the approval of – New Home Build – The Griffin – 13403 Grace Lane, Delmar, DE, per the attached drawings.

Mayor Houlihan asked for a motion to accept the Planning Commissions favorable recommendation for – Chris Gilkerson – New Home Build – The Griffin – 13403 Grace Lane, Delmar, DE, per the attached drawings. The motion was made/seconded (Smith/Jones) and carried by roll call vote 4 Ayes 1 Absent.

- 4. Brock Parker – Subdivision of Parcel 5.00 into 24 Lots – Second Street and Old Racetrack Road, Delmar, DE** – This submittal was withdrawn.

Chairperson Scholl called for a favorable or unfavorable recommendation to the Mayor and Council for the proposal presented by Mr. Brock Parker. – Subdivision of Parcel 5.00 into 24 Lots – Second Street and Old Racetrack Road, Delmar, DE, per the attached drawings. No motion was made. Chairperson Scholl stated hearing no motion this submittal will move forward with no recommendation from Planning and Zoning.

### **Town Manager's Report –**

Town Manager Bynum-King reported Thursday, July 1<sup>st</sup>, the WWTP was struck by lightning and there was some damage to the STADA System. A WWTP operator was on site and minimized some of the damage. We contacted Shore Rite to make the necessary electrical repairs.



The main entrance way leading into the WWTP had a collapsed storm drain that we were able to get repaired by TK Construction at the beginning of the fiscal year. Also, today Public Works discovered a water leak on West East Street that they did the necessary to repairs themselves.

Town Mgr. Bynum-King reported in the Woodcreek subdivision we received reports of low water pressure in one of the new Ryan Homes. This afternoon it was discovered there were issues from the meter to the actual main connection which is the Town's responsibility to repair. Public Works will make the repairs Wednesday of this week. Mayor Wells asked if the water main will be shut off. Town Manager Bynum-King answered not the water main, it's where they tacked it that was the issue. She further asked if the residents will go without water. Town Manager Bynum-King answered if it impacts the residents, they will receive notification.

Town Manager Bynum-King reminded the Council the July 24<sup>th</sup> USAA Tournament and all four fields will be utilized.

### **Council Comments –**

Deputy Mayor Unsell, Commissioners Scholl and Lenox had no comment.

Council Member Jones – said thank you to Chief Barkley for the card he received.

Mayor Houlihan and Council Member Smith had no comment.

Vice Mayor Pase – mentioned with the temperatures the way they are we need to watch our neighbors, elderly, and animals.

### **Public Comments –**

- 1.) Robin Bond had multiple comments and questions. She asked due to SV 181 passing is the Town ready to recognize the officers as a collective bargaining unit or will the officers have to reapply, are the raises being corrected for the officers because the officers are not put in the correct steps on the scale and will the scale be corrected.
- 2.) Bryce Bond made comments about the population Delmar, MD/DE, constant yield and tax rates.
- 3.) Dawn Turner made multiple comments and asked questions. She commented she appreciated the 1033 money coming back and she is sure the officers appreciate that it is still accessible but why not give it to the officers that were promised their pay raise to get them back to where they need to be, why give it back and not put it where it was supposed to go and could it have been said that Lt. Alexander will not be paid over \$100,000, could this be the reason the 1033 money wasn't given as promised. Also, there seems to be a breakdown in the Town and nobody knows what's going on.



- 4.) Linda Morris had multiple comments, questions and suggestions. She questioned who is going to help move the ball down the field because we are so divided, why aren't we advertising for our two open positions at the Police Department and why is the Police Department not constantly recruiting. Ms. Morris mentioned she is shocked about how the Council works together but one doesn't know what the other one does or what's going on or required. She suggested let's all come together press the restart button and start working on this problem and coming up with a Project Management Plan so everything is laid out and working towards the same goal,
- 5.) Tina Lambert-Marzec had multiple suggestions and comments. She commented to Delaware please recognize the officers bargaining unit and either start negotiations with them or come along side Maryland and joint with them to have negotiations. There is an urgency here please get behind it.
- 6.) Penny Glasgow thanked the Council for giving back the money to Chief Barkley.
- 7.) Angel Calloway made multiple comments. She mentioned the community would pay higher taxes and back the police then to choose crime.
- 8.) Robert Aldrich asked two questions. He asked what would it take to put a referendum question out for mailing and can the Town put a referendum up on a question pertaining to the Town.
- 9.) Jennifer Smithhart encouraged the Council get to know the officers.

## **Adjournment**

After hearing no further comments, Mayor Wells asked for a motion for adjournment. A motion was made/seconded (Scholl/Unsell) and carried by roll call vote of 8 Ayes 2 Absent.