

MAYOR & COUNCIL
March 1, 2021
Via Teleconference

Mayor Houlihan called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. Due to COVID-19, the meeting is being held via teleconference. In attendance were Mayor Wells, Vice Mayor Mary Lee Pase, Council Member Smith, Town Manager Sara Bynum-King, Police Chief Ivan Barkley and Clerk of Council Vondell Spencer. Absent: Council Member Boyan. Guests: Tim Metzner, Odell Jones Jr., and Ward Douglas Kemp (Newly Appointed).

Mayor's Comments

Mayor Houlihan called the meeting to order and performed a roll call to confirm there was a quorum. A quorum was established.

Approval of Minutes

Mayor Houlihan called for a motion to approve the February 1, 2021 meeting minutes as prepared. A motion was made/seconded (Pase/Smith) and carried with a roll call vote 3 Ayes and 1 Absent (Boyan).

Public Hearing – DE 2020 Comprehensive Plan Update –

Mayor Houlihan called to order a Public Hearing for Ordinance #173. An ordinance of the Mayor and Town Council of Delmar, DE to adopt the Comprehensive Land Use Plan 2020.

Mayor Houlihan called for a motion to open the Public Hearing. A motion was made/seconded (Smith/Pase) and carried by a roll call vote 3 Ayes and 1 Absent.

Mayor Houlihan stated every ten years the state requires us to update our Comprehensive Development Plan and we are now at our ten-year renewal time. We've had several workshops and working groups that included our Planning and Zoning Commission, Town Engineer and our Planner, Chris Jakubiak. There was also a meeting with myself for the Delaware Council at the last workshop on February 11th. There were recommendations by the State to our Comprehensive Plan. The recommendations were all taken into consideration by the working groups I just mentioned. Tonight, we have a final document with the updated maps that we have reviewed. Town Mgr. Bynum-King added this has been a very long process to get through. As Mayor Houlihan stated we have to update the plan every ten years and once we get the plan updated, we have to submit it back to the Delaware State Planning Office for their review and comments. Not only the Planning Office but all of the state agencies provide the Town input such as DNREC, DelDot, Department of Housing, and other agencies that would have comments. We did go through a PLUS process and that would be our Planner, Chris Jakubiak and myself. The state reviewed our plan and gave us

some feedback. Town Mgr. Bynum-King said as Mayor Houlihan mentioned Chris Jakubiak incorporated those comments into the plan and with the workshop we had some of the Planning Members participate and we also have their feedback. We did try to reach out in numerous ways to get Community participation because that is a key factor when updating the Plan by utilizing Facebook and surveys which we did get some good feedback from some of the residents on the surveys but for the most part we did not have as much participation from the Community as we would have really liked. Town Mgr. Bynum-King further said in the next ten years we can work on ways on how to improve that one component that the state weighs heavily on when making their assessment. Overall, the document is completed and we finished overall with a very good document to help us pave our path forward for our community. Mayor Houlihan agreed.

Mayor Houlihan called for a motion to close the Public Hearing. A motion was made/seconded (Smith/Pase) and carried by a roll call vote 3 Ayes 1 Absent.

Mayor Houlihan read the Ordinance #173 Comprehensive Land Use Plan 2020.

Mayor Houlihan called for a motion to approve Ordinance #173. A motion was made/seconded (Pase/Smith) and carried by a roll call vote 3 Ayes 1 Absent.

Mayor Houlihan mentioned to the Council we need to go to Town Hall to sign the document itself. Mayor Houlihan further mentioned that we are going to contact Council Member Boyan because he was apart of this process because in 2020, he was still serving on the Town Council. Town Mgr. Bynum-King commented actually we will just note Council Member Boyan as absent on the document because he was not at the Public Hearing.

Appointments to Fill Vacant Council Member Seats –

Mayor Houlihan stated last fall the Town had an election for the Delmar, Delaware Council and that was for one Mayor and two Council Member seats. He further stated he filed and ran unopposed and no one filed for the one true vacancy. Council Member William Boyan said he was not going to be running for reelection but he did agree to stay in his role as a Council Member until someone was appointed for his position. Mayor Houlihan said he was sworn in November 2020 and he and Town Mgr. Bynum-King went through the vetting process with the two gentlemen that showed interest in the Town Council. Both of these gentlemen have local roots here in Delmar. They both want to represent the Town and have the best interest in the citizens of Delmar. Mayor Houlihan said that he and Town Mgr. Bynum-King both felt that these were two good choices to fill the vacant seats. Town Mgr. Bynum-King mentioned this was an unorthodox time for us because we have never experienced this before so we did seek assistance from our legal counsel as to how to proceed forward filling the vacant seats. The attorneys searched the charters and did some additional research upstate and informed us we needed to do a vetting process.

Mayor Houlihan called for a recommendation to the Council to appoint Odell Bernard Jones, Jr. and Ward Douglas Kemp to fill the two vacant Council Member positions. A motion was made/seconded (Smith/Pase) and carried by a roll call vote 3 Ayes 1 Absent.

Mayor Houlihan conducted the Oath of Office for Odell Bernard Jones, Jr. as a Delmar, Delaware Council Member.

Due to technical difficulties Town Mgr. Bynum-King informed Mayor Houlihan to conduct the Oath of Office for Ward Douglas Kemp for the record and also conduct the Oath of Office in person.

Mayor Houlihan called for a recommendation to appoint Odell Jones Jr., to the Parks and Recreation Committee. A motion was made/seconded (Pase/Smith) and carried by a roll call vote 5 Ayes.

Mayor Houlihan called for a recommendation to appoint Ward Douglas Kemp to the Planning and Zoning Commission as the Delmar, Delaware representative. A motion was made/seconded (Smith/Pase) and carried by a roll call vote 5 Ayes.

Unfinished Business – None Reported.

New Business –

Town Mgr. Bynum-King noted she did receive a letter from Salisbury, Metropolitan Planning Organization informing the Town they are recommending a Delaware Bicycle Master Plan. The MPO is seeking to create a biking lane trail connectively between municipalities between Delmar 54 to 13 heading north. So, the Metropolitan Planning Organization has submitted that plan for a study to occur in the fiscal year 2022. The study itself will be contingent upon the unified planning work program and if they accept the program as a project. Moving forward we will wait to see the results.

Committee Reports –

Student Advisory- No Report.

Police Chief's Report -

Chief Barkley reported:

Thank you to Town Mgr. Bynum-King because she forwarded an email to me this morning about a traffic problem experienced by a citizen. In the meantime, while we try to find some permanent solutions to the issue as of today, we have stepped up our radar in that area.

1.) Last week we experienced another serious accident at Rt. 13 and Foskey Lane. We will continue to work on a solution to that problem. No one was injured to the point of life threatening but there were some injuries and a number of people were transported to the hospital. 2.) All of the officers that wished to be vaccinated received their second shot and any issues they may have had from that have been resolved. 3.) Two audits occurred in the Police Department last week. One audit was from Meters and NCIC in regards to our National Computer Information Systems and the other audit from Maryland Police Training and Standards Commission in regards to us

hiring and employee files. Both audits were successfully completed. 4.) Adjustments have been made to scheduling to cover some deficiencies in manpower. We do have coverage 24 hours a day.

Code Enforcement Officer Report – Written report in mail packets. No added comments.

Parks and Recreation-No Report.

Public Works – Written report in mail packets. Council Member Smith added he's seen Public Works around Town repairing the streets, sewer and water problems. Everything is fine. Mayor Houlihan commented with all this rain and potholes it's just bad. Town Mgr. Bynum-King brought attention to the report that there were several projects that they had scheduled and tried to accomplish so you'll note that there has been some of these items on the written report that they have listed under the daily service and their tasks that they have been able to complete in spite of dealing with the issues mentioned by Mayor Houlihan.

Utility Commission Report

Vice Mayor Pase reported: 1.) The sewer main project is moving forward. 2.) We are still in search of a wastewater operator. Town Mgr. Bynum-King mentioned we have had the advertisement out a couple of months. There is one applicant who doesn't have a license but has mechanical skills that could be beneficial to the department. Our superintendent is willing to interview this applicant. Vice Mayor Pace added other municipalities appear to be hiring for the same type of operator. Town Mgr. Bynum-King further mentioned in February there was a cyber-attack on a water treatment plant in Florida. Although we have to be very diligent about protecting our water system this is not a concern the Town has. Our plant is operated manually. At this point and time, we do not have any cyber concerns but as the budget times roll around, we will start utilizing SCADA which are programs that allow the operators to make adjustments remotely offsite.

Planning & Zoning

- **Jenny Burns – New Signage – 510 N. Bi-State Blvd, Delmar, DE** - Ms. Burns presented new signage as referenced per the attached drawings. Ms. Burns was not present for this meeting. The Mayor and Council moved forward with a recommendation.

A motion for a favorable recommendation to the Delmar Mayor and Council for the approval of – Jenny Burns – New Signage – 510 N. Bi-State Blvd, Delmar, DE, per the attached drawings including a new picture of the front of the building and a close up of the sign that is currently there showing all information on the front door. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

Mayor Houlihan called for a motion to accept the Planning Commission's favorable recommendation. The motion was made/seconded (Smith/Jones) and carried by roll call vote with 4 Ayes and 1 Abstain (Houlihan).

- **Tim Metzner/Davis, Bowen, & Friedel, Inc. – Proposed Commercial Construction State Line Plaza – 38666 Sussex Highway – Delmar, DE** – Mr. Metzner presented proposed commercial construction as referenced per the attached drawings. Mayor Houlihan asked Mr. Metzner if it's just taking an existing paved parking lot and carving out an additional separate parcel to construct a new building. Mr. Metzner answered that's correct. Mayor Houlihan inquired because of the variances with the setbacks that's why it's a variance and Mr. Metzner has to go to the Delaware Board. Mr. Metzner answered yes that is correct.

A motion for a favorable recommendation to the Delmar Delaware Board of Adjustments for the approval of – Tim Metzner/Davis, Bowen, & Friedel, Inc. – Proposed Commercial Construction State Line Plaza – 38666 Sussex Highway – Delmar, DE – per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

Mayor Houlihan called for a motion to accept the Planning Commission's favorable recommendation. The motion was made/seconded (Smith/Pase) and carried by roll call vote with 5 Ayes.

Mayor Houlihan informed Mr. Metzner to work with Clerk of Council Vondell Spencer as far as scheduling the Board of Adjustments hearing then, we also have our Economic Coordinator, William Hardin that will walk him through what is needed for the hearing. Mayor Houlihan further informed Mr. Metzner that he, our Town Attorney and Public Works Director sit on that board. The major part of asking for a variance through his experience with the Board of Adjustments is proving the hardship and a hardship cannot be of a financial nature.

Town Manager's Report

Town Mgr. Bynum-King reported she received notice from Susan Uphole from the Delmar Library, information and I assured her I would reiterate to the public the library is not closed they are doing curb side services. Anyone that is interested in the services they are offering at this time please call the library and they will accommodate them however necessary.

Town Mgr. Bynum-King noted the first Budget Workshop is on Wednesday of this week at 6:00 p.m. Both of the Mayors and Department Heads will join the Supervisor of Finance and myself in the conference chambers and everyone else will join virtually. The presentations will be in your inhouse mailboxes. Council Member Jones and Kemp, I do believe the Supervisor of Finance emailed the presentations to you, if you do not have that information, most importantly 6:00 p.m. on March 1st is the very first budget meeting workshop. It's the department head presentation. It's the opportunity the department heads get to present to the Joint body and the Utility Commission the capital items that they are proposing for FY22.

Town Mgr. Bynum-King mentioned to Mayor Houlihan that she is working through the Table of Contents for the General Codes codification process. The Table of Contents should be distributed

this week.

Council Comments

Council Member Ward Douglas – No comment.

Council Member Odell Jones, Jr. – Ready to learn the process.

Council Member Greg Smith – Welcomed the two new colleagues to the Council. We have been working shorthanded for a while so we are really excited to have you two gentlemen coming with us and take an interest in the Town. Hopefully, that will lead to a lot of interest in the Council. We will look forward to working with you. Council Member Kemp said he appreciated that.

Vice Mayor Mary Lee Pase – Welcomed the two members of the Council and he said he wanted to let them know we work together as a team and we have waited a little while longer than what we have wanted to but it sounds to me like we have two great people that will help us do the job. Everybody stay safe. Mayor Houlihan agreed. He said he wanted to thank both of the new Council Members for stepping up to be on our Town Council. It's never about us it's what we do for the citizens of this Town. Greatly appreciate it.

Public Comments

Mayor Wells said on behalf of her and the Maryland Commission welcome to the new Council Members, Councilmen Jones and Councilmen Kemp. I think they will be a great asset. You guys will be lucky to have them and I look forward to seeing them at Joint Council.

Adjournment

A motion to adjourn was made/seconded (Smith/Jones) and carried by roll call vote with 5 Ayes.

Submitted by:

Clerk of Council