

**MAYOR & COUNCIL**  
**May 2, 2022**  
**MEETING HELD IN-PERSON AND VIA TELECONFERENCE**

Mayor Houlihan called the regularly scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. This meeting is available to the public, in person with limited seating and via teleconference. In attendance were Vice Mayor Pase, Council Members Smith, Kemp, and Jones, Town Manager Bynum-King, Police Chief Barkley and Clerk of Council Spencer. Guests: Angel Ibarra-Martinez, Tom Bauer, Kevin Mezick and Howard Dickerson.

**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.

Mayor Houlihan thanked everyone from the Town, Community and people from everywhere that recognized Cpl. Keith Heacock last week with different events, prayers and thoughts. The Mayor and Council of Delmar, DE and Mayor and Commissioners of Delmar, MD donated \$1,000.00 each to the Cpl. Keith Heacock Memorial Scholarship Fund. Also, the Town has put up banners downtown on the poles in honor of Cpl. Keith Heacock.

Mayor Houlihan read the 53<sup>rd</sup> Annual Professional Municipal Clerk's Week Proclamation for the record. He thanked Town Hall Clerks: Vondell Spencer, Clerk of Council, Kimberly Layton, Municipal Clerk, Donna Legacy, Clerk II, Heather Chandler, Supervisor of Finance, Starr Callaway, Human Resources/Administrative Assistant, Public Works Superintendent, Sophia Oberton and Town Mgr. Bynum-King.

**Approval of Minutes**

Mayor Houlihan called for a motion to approve April 4, 2022 meeting minutes as prepared. A motion was made/seconded (Smith/Jones) and carried with a roll call vote count of 5 Ayes.

**Unfinished Business**

Mayor Houlihan mentioned we were supposed to have the Public Hearing for Ordinance #177 Adoption of the State Voter Registration System which we are going to table until the Joint Council Meeting until May 23<sup>rd</sup>.

Town Mgr. Bynum-King added April 20<sup>th</sup> we had a virtual meeting with the State Elections Commissioner, Anthony J. Albence, Sussex County, Director of Elections, Kenneth A. McDowell and New Castle County Elections Director, Tracey Dixon to discuss questions and challenges we had with being a bi-state town with the municipal building located in Delmar, MD and finding a location on the Delaware side of town for our elections. Mr. Albence informed us that as long as

the election is on the DE side of Town, they will support and provide anything we need to have an election. They cannot provide assistance if the election is held on the Maryland side of Town.

She further added we do have a couple of sites that we could host the election and we will be working on that for this upcoming election. However, with the Adoption of the State Voter Registration System there are challenges we are working on with the state; trying to identify the actual Town boundaries, voters within the boundaries. As of right now Sussex County can only provide us with a voter registration list that has all of the voters in the 19940-zip code which currently is a little over 5,000 registered voters.

Town Mgr. Bynum-King said if the Town accepted this resolution for the most current election the timeframe from the last day of the availability to register for the election would give staff ten days to go through the states list to determine who is actually in Town. Staff will also have to prepare and make available a eligible voters list for the candidates.

She further said she thought it would probably be wise for this Council to consider the public hearing to be scheduled for the Joint Council meeting on May 23<sup>rd</sup>. She added the Council should also consider making the new legislative effective for the 2024 election to give time to work out all of the kinks.

Mayor Houlihan responded it sounds like it would be cumbersome for the staff. Town Mgr. Bynum-King agreed.

## **New Business**

Mayor Houlihan read in its entirety Ordinance #178 as First reading of Delmar, Delaware/Utility Commission FY2023 Budget – in packet.

Mayor Houlihan called for a motion to accept the first reading of the Delmar, Delaware/Utility Commission – Ordinance # 178 FY 2023 Budget. A motion was made and seconded (Pase/Kemp) and carried with a roll call vote of 5 Ayes.

Mayor Houlihan called forward Mr. John Littleton Jr. that requested to be on the agenda. Mr. Littleton asked for clarification as far as the letter he received from CEO Peek and CDC Hardin in reference to the Unauthorized Business Operation – Auto Repair. He questioned what was expected of him. Mayor Houlihan explained the notice to Mr. Littleton stating he is running an auto-repair shop per se in an R-1 Residential District.

Mr. Littleton stated the auto-repair was more of a hobby then a business. Mayor Houlihan questioned if this was part of Mr. Littleton's livelihood, fulltime-hobby per se. Mr. Littleton responded no. Mayor Houlihan mentioned the Council has photos in their packets of various vehicles parked at this residence and it looks like there is a lot of mechanical work being done.

Mayor Houlihan questioned if Mr. Littleton's neighbors said anything to him as far as what he has going on, on his property. Mr. Littleton asked in a negative way? Mayor Houlihan answered yes. Mr. Littleton replied no. Mayor Houlihan commented the Council has to stay consistent with what

they do as far as Ordinances.

Town Mgr. Bynum-King inquired if Mr. Littleton stated for the record that he did not have a business, it's a hobby. Mr. Littleton responded correct. Vice Mayor Pase commented looking at the pictures and the vehicles it does not appear to be of antique nature or vehicles that you would not be able to use on the street. The vehicles appear to be for other people to drive or use. Mr. Littleton further responded correct. Town Mgr. Bynum-King further inquired if Mr. Littleton was solely working on these vehicles and if he had assistants to help him. Mr. Littleton further responded yes. Council Member Kemp asked Mr. Littleton was he working on the vehicles for free? Mr. Littleton answered yes.

Mr. Littleton questioned was the biggest issue with the cars in the cul-de-sac. Mayor Houlihan replied that is what part of the letter was stating. Town Mgr. Bynum-King inquired what is a normal day of vehicles. Mr. Littleton responded six. Vice Mayor Pase asked Mr. Littleton if his home is in this vicinity as well? Mr. Littleton answered yes, on the opposite side of the street on the wood side.

Mayor Houlihan stated based upon no complaints from the neighbors, Mr. Littleton said that working on vehicles is a hobby, and the number of vehicles in the pictures should be lowered the Council would move forward with that thought process. He further stated there does not need to be a number put on the vehicles stored there. Mayor Houlihan thanked Mr. Littleton for attending the meeting.

## **Committee Reports:**

### Student Advisory-

Angel Ibarra-Martinez reported: 1.) The high school band concert is Thursday, May 19<sup>th</sup> at 7:00 p.m. 2.) The high school chorus concert is Wednesday, May 11<sup>th</sup> at 7:00 p.m. 3.) Boys Varsity Baseball headed to Dover High School last Friday losing 3 to 11. The current record is 7 to 4. The next game is tomorrow at Delmar High School at 4:15 p.m. 4.) Girls Varsity Baseball had an amazing win over Woodbridge last Thursday with a score of 5 to 0. The current record is 5 to 4. 5.) The prom is this Friday at Kylan Barn at 7:30 p.m. to 10:30 p.m. 6.) Graduation is June 10<sup>th</sup> at 7:00 p.m. 6.) The last Senior day is the 27<sup>th</sup> which is also a virtual day.

Mayor Houlihan mentioned he asked Council Member Jones about the graduation location; graduation is back at the Civic Center. Mayor Houlihan informed Mr. Ibarra-Martinez that this will be his last meeting because we are not having a June meeting. Mr. Ibarra-Martinez thanked the Mayor and Council for having him.

### Police Chief's Report

Chief Barkley-reported: 1.) There have been no issues in the St. Stephen's Cemetery since going public. Council Member Smith said that security cameras should be installed shortly. 2.) New recruit Engelskirch has one last objective to finish before he can graduate the police academy June 17<sup>th</sup>, which will be at Wor-Wic Community College. 3.) Chief thanked the Town Officials and the community for attending the Heacock Festival. He said it's one thing to support the family it's another thing for an event to support our local youth further their education. In a fashion this will also

keep Cpl. Keith Heacock's name relevant. 3.) The three new recruits are moving forward covering their objectives for full employment. There should be three recruits in the next academy class. Following that class there should be two more recruits in the academy.

Vice Mayor Pase inquired about the status of the body cameras. Chief responded only a few officers are wearing the cameras regularly. He further responded the officers are working out the camera fit on the uniforms so it doesn't fall off and they are working through program glitches. Vice Mayor Pase added just knowing about the cameras could deter crime.

#### Code Enforcement Officer Report – In mail packet

#### Public Works – In mail packet.

Council Member Smith added he liked Foreman, Robert Buck's report. It's more impressive than what they previously had and it's pretty detailed. Also, it looks like he is doing a good job.

#### Utility Commission Report –

Vice Mayor Pase reported: 1.) Town Mgr. Bynum-King secured a scholarship for Public Works, Foreman, Robert Buck, a week-long class to complete his MD water license. 2.) Valve exercising in fiscal year 2023 is starting in July which is one of the projects we have outstanding. Town Mgr. Bynum-King added the Water Superintendent, Sophia Oberton, is working with MD and DE Rural Water Associations to do hydrant flushing as well as PSI testing to ensure current and accurate information and the Fire Department will have that information as well. The caps will be color coded to be consistent with the PSI. 3.) Town Mgr. Bynum-King informed the Commission of unfinished projects left after she leaves office.

Town Mgr. Bynum-King explained the bids for the sewer main project. She said right now we are working with the engineers and the state to see if some funds could be channeled to this particular project. If not, we have to evaluate how much can be done of the project and apply for funding to finish the process.

#### Planning & Zoning

#### **1. Demetrius Jones – Combining Lots – Lots 33 & 34, 209 W. Jewell Street, Delmar, DE –**

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Demetrius Jones – Combining Lots – Lots 33 & 34, 209 W. Jewell Street, Delmar, DE, per the attached drawings.

Mayor Houlihan called for a motion to approve – Demetrius Jones – Combining Lots – Lots 33 & 34, 209 W. Jewell Street, Delmar, DE, per the attached drawings. A motion was made/seconded (Smith/Kemp) and carried by roll call vote of 4 Ayes 1 Abstain (Jones).

Mayor Houlihan stated there was a Board of Adjustments meeting April 19<sup>th</sup>, himself and Public Works, Foreman, Robert Buck was in attendance. A variance was requested for a buildable lot from 6,895 square feet, 7,000 square feet was the minimum lot area. This was a Residential R-1 zone. The variance was granted. This was an infill in the Town. They did ask the developer to keep the elevation similar to the surrounding properties and provide a more detail-oriented engineer drawing of the elevations, setbacks and driveway.

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

Town Mgr. Bynum-King reported: 1.) She submitted a letter of request to Sussex County, Financial Officer, Gina Jennings, regarding a one-time grant that is made available to municipal counties in Sussex County. The Town is eligible for \$174,000 and we were approved in full. Those funds will be used as a cost share towards the replacement of the sewer main replacement on Delaware Ave. between Sixth and Fifth Street. 2.) The Town will receive Bond Bill money from the State of Delaware. The Town will contribute some of the other funds we will receive from that project. 3.) CEO Peek provided a contact, Ms. McDermott, at Salisbury University for their student intern program from the Circuit Rider Initiative Program for the Lower Shore. Ms. McDermott secured a senior intern for the Town for this summer at no cost and the Town qualified for eleven weeks of service. The summer intern will start in June until August working in the map room scanning and categorizing our maps. The maps will be available electronically. 4.) The Joint Council meeting is May 23<sup>rd</sup> at 6:30 p.m. which is the FY23 Budget Hearing. DE and MD will conduct all matters of business that would occur in their June regularly scheduled meeting. The next scheduled individual Council meeting will be in July. 5.) The Town offices will be closed May 30<sup>th</sup> Memorial Day, June 20<sup>th</sup> Juneteenth, and July 4<sup>th</sup> Independence Day.

Town Mgr. Bynum-King announced this was her last Delaware meeting before she retired. She thanked the Mayor and Council Members. She said she has worked with Mayor Houlihan, Vice Mayor Pase and Council Mayor Smith the longest and Council Member Jones and Kemp the least. She further said it has been a pleasure serving them all and working with them. The leadership that they bring to the Town is appreciated. They have served their constituents in a way she thought was very considerate as we move forward. She commented she is excited for the future of the Town and her next chapter.

### **Council Comments –**

Council Member Kemp said Town Mgr. Bynum-King is going to be missed. She is probably going to be nonreplaceable.

Council Member Jones commented Town Mgr. Bynum-King is a neighbor and growing up in their neighborhood, thank you for your service and friendship through the years.

Council Member Smith thanked Town Mgr. Bynum-King for her years of service. He said she has been here before and since he's been here. Needless to say, she will be missed by everybody. She is very knowledgeable about what is going on one way or the other and she always has the answers. He said he doesn't know how they are going to survive without her but they will try to do the best they can.

Vice Mayor Pase commented she will see Town Mgr. Bynum-King at some point when they are with their grandchildren. Hopefully they will be strolling together and probably talking about all the things that are going on in the Town.

Mayor Houlihan thanked Town Mgr. Bynum-King for all her years of service to this Town. Two states, ten Elected Officials and that's a lot to be dealing with. She has been a role model for so many young aspiring girls becoming young ladies to be women that can achieve going from an entry level position all the way up to a Town Mgr. of a municipality. He said she had been professional, straight forward and she is going to be very hard to replace. He further said she is very much appreciated and loved by this Town.

**Public Comments: -**

1. Tom Bauer thanked Town Mgr. Bynum-King and said she has always treated him and a lot of people fair. He said Town Mgr. Bynum-King has done a great job. Also, he is aware that her shoes are very big to fill. They will have a tough job finding a new replacement.
2. Tom Bauer asked with Town Mgr. leaving in less than sixty days has the Town hired a headhunter to find a qualified person and are there any candidates? Mayor Houlihan answered we do have candidates that have been submitted. There are several that we have to look through, the initial application process. We have put it out on Facebook, Maryland Municipal League. Town Mgr. Bynum-King added also ICMA and DLLG. Mayor Houlihan said we are moving forward.
3. Tom Bauer commented sorry to hear about the Voter Registration being tabled but you have to do it the right way so a couple more weeks isn't going to matter. He is aware we briefly touched on this last month but the state has passed SB181 in June last year and the governor signed it into law in September and we knew it was coming, had ample time to work on this agreement. It's May and we haven't seen anything yet. Now there is no June meeting. He asked is this going to get tabled into July? Mayor Houlihan answered our attorney is working on drafting a resolution hopefully by the Joint Council meeting this month.
4. Tom Bauer asked has there been any thought about naming the P.D. after Cpl. Keith Heacock and is it possible? Chief answered we have some irons in the fire of different things we want to do. Chief does not think that topic has come up yet. Mr. Bauer replied we have to keep his name alive and that's a perfect way. Chief responded as lovely of an idea as that is, people look at the P.D. and still do not know that there is Delmar Police on the side of it.
5. Howard Dickerson thanked Town Mgr. Bynum-King for her years of service. He said she has done an excellent job and he thought she has been fair with everybody and he is sorry this last year has been so rough. Particularly since it was created by people that didn't even live in Town. He further said she is the fifth Town Mgr. and he thought she is the best that the Town has had. She definitely brings honor on her father and mother the way she was brought up and the way she acts. He thanked her again for her service.

## **Adjournment**

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

Submitted by:

Clerk of Council