

MAYOR & COMMISSIONERS
May 8, 2017

Mayor Wells called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. In attendance were Mayor Wells, Deputy Mayor Unsell and Commissioner Scholl, Town Manager Bynum-King, Town Attorney Benson and Clerk of Council Fisher. Absent: Commissioners Morgan and Tucker. Guests: Lorie and Dean Woroniecki, Jerry McClymont, Kyle Hughes, Dale McCallister, John & Sandy McMullen, Roger Martinson, Viasmi Patel, Delegate Carl Anderton and Delmar Police Chief Ivan Barkley, Jr.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance. Mayor Wells welcomed everyone.

Mayors Comments

Mayor Wells said that there are some issues with Snow Hill hosting the next LESMA meeting, It looks like there won't be a meeting this month.

Approval of Minutes

Commissioner Scholl made a motion to approve the April, 2017 minutes as circulated. Deputy Mayor Unsell seconded the motion which passed with 3 ayes and 2 absent.

Unfinished Business

Second Street Safe Route to School Project Status

Town Manager Bynum-King informed the Commission that the project is progressing forward and the Town is almost ready to solicit for bids.

Mayor Wells said that while they were talking about the school, she asked if Council Member Holmes ever got a meeting with the Sheriff. Town Manager Bynum-King responded that she did not think there was a meeting scheduled, but the Sheriff's Department did come out to the school to assess the traffic issues and provide traffic control.

New Business

Progress Report- MD House of Delegates

Mayor Wells said that the information is included within everyone's mail packets and is only for informational purposes.

Police Chief's Report

Chief Barkley stated that the Little League Parade went fantastic. There were only 2 minor incidents that occurred at the carnival; a reported theft and a disturbance. He has no updates for the Delmar National Night Out event but he can say that it is progressing way beyond everyone's expectations. In another week, the K-9 handler and the K-9 will be done with their training.

He continued by saying that as of the last few weeks, the rash of thefts from motor vehicles being left unlocked with valuables inside has increased. This is occurring in other locations besides Delmar. He stated that Seaford is

experiencing a rash of thefts as well. The Delmar Police Department is working with other agencies to get the word out to everyone to please lock their cars and not to leave valuables inside. This is not a group of kids because they are mobile. He believes that it is the same people responsible for the thefts here and the surrounding areas. He is asking the community to keep their eyes and ears open for strange things in their community. These thefts are happening between late night and early morning. He said that notifications and warnings to the Community would be through social media

Student Advisory Report

Viasmi Patel reported that the school year is coming to an end. They've had AP testing, the sports teams are doing very well. She hasn't heard of any concerns by the students about the Town. She said that she is very fortunate to be coming here on a monthly basis and see how the Commission runs. She is participating in a program, in Georgetown, DE, that has the students actually sitting on a Commission and handle certain matters through discussion.

Prom is this Friday. She will be a senior next year. Doing this was new to her and her Delaware partner. She very much enjoys and wants to continue reporting to the Commission. She is extending her hand out to the Community to help build a bridge of communication. The Commission thanked her and said that Deputy Mayor Unsell did have a great idea with creating a Student Advisory.

Code Enforcement Officers Report

Mayor Wells stated that the report is included within your mail packets. When reviewing the part-time code enforcers report, Town Manager Bynum-King explained that the door hangers are a friendly way to get the residents aware of our ordinances without a violation letter being sent to them as their first notification.

Fire Department Report

Mayor Wells reviewed the report that was included within the mail packets.

Utility Commission Report

Deputy Mayor Unsell reported that the Town has finally received the well drilling permit for the back-up well as of April 28, 2017.

The Utility Commission heard from Doug Marshall with his Yorkshire Estates Development in that he is requesting a reduction of the impact fees of \$11,000 to \$8,000. He claims that some surrounding municipalities have done away with the impact fees. He was told at the Utility Commission that the budget was zero and was based on the full amount of the impact fees. Since most of the communities he cited were Maryland towns, the Commission wants to check surrounding Delaware municipalities to see how they are handling their impact fees. The discussion and motion was tabled until that information can be obtained.

Deputy Mayor Unsell concluded by informing the Commission that Public Works Clerk Sophia Oberton received a full scholarship to attend the Water University.

Public Works Report

Commissioner Scholl reviewed the report included within the mail packets. There was some conversation about the installation of the bleachers in Gordy Park and who did them. Town Manager Bynum-King stated that Little League installed the bleachers but she was not sure from where they received the funding.

Planning & Zoning Report

Commissioner Scholl reported on the following:

John McClellan- Kraus Business Center- Monument and Building Signage- 407-511 Maryland Ave., Delmar, MD
The monument sign that is proposed will be perpendicular to the front road with 2 directional signs at the end of the property. The signs meet all the setback requirements.

Deputy Mayor Unsell made a motion to accept the Planning and Zoning's favorable recommendation for signage to include 1) 48" wide by 96" tall, two sided monument sign listing all the tenants and their suites, 2) two 24" wide by 18" tall directional signs to be located at each entrance, and 3) two additional 24" wide by 18" tall "911" signs on buildings 407 and 509, per the attached drawings for the Kraus Business Center located at 407-511 Maryland Avenue, Delmar, MD. Mayor Wells seconded the motion which passed with 3 ayes and 2 absent.

Doug Marshall/Kyle Hughes- Street Name Change for Wedding/Event Venue- Heron Ponds, Delmar, MD
Mr. Hughes explained that he has already received a letter from the County giving approval for the name change. The area of Hawks Way that will be changed does not have any homes on it.

After reviewing the letter and plat, Deputy Mayor Unsell made a motion to approve the favorable recommendation from the Planning and Zoning Commission for the western portion of Hawks Way in Heron Ponds to be changed to Dusty Lane on the westerly portion of Heron Pond Parkway. The southern portion of Hawks Way will become Green Heron Way in Heron Ponds, per the attached drawings and letter. Mayor Wells seconded the motion which passed with 3 ayes and 2 absent.

Dale McCalister- Remove and Replace Signage for Altitude Trampoline Park- 30174 Foskey Lane, Delmar, MD
Mr. McCalister stated that they would be replacing the old sign and the new signage will go back in the exact location on the building. The business is part of a franchise with a new name. The sign will be lit from underneath. They are no longer asking for banners because the banners that the owners wanted up were larger than what the regulations would allow.

Deputy Mayor Unsell made a motion to approve the favorable recommendation from Planning and Zoning for First State Signs to remove the old sign and to install a new sign at Altitude Trampoline Park located at 30174 Foskey Lane, Delmar, MD, per the attached drawings. Mayor Wells seconded the motion which passed with 3 ayes and 2 absent.

Roger Martinson- Delmar Chamber of Commerce- Permanent Sign for Chamber Shed Located at the Corner of Penn. Avenue and Foskey Lane by the Water Tower, Delmar, MD

Mr. Martinson provided to the MD Commission copies of the specific square footage of the gable end of the building which was requested by the Planning and Zoning Commission. Mr. Martinson said that the shed will be located across from the railroad tracks below the water tower. They are proposing to use the side of the shed as advertisement to offset the costs associated with the shed and its' installation. The size is comparable to the advertising signs in the ball field. The shed will be used to store the Chamber supplies for The Day in the Park along with some filing cabinets so all the paperwork for the Chamber is not stored at a members' house.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for a sign at the rear of the proposed Chamber shed located at the corner of Penn. Avenue and Foskey Lane water tower Delmar, MD which would encompass no more than 30% of the gable end side of the building with the contingency that specific square footage of the gable-end of the shed be provided to the Commission no later than the May 8th date, which Mr. Martinson has supplied this evening. Mayor Wells seconded the motion

which passed with 3 ayes and 2 absent.

Brock Parker- Rt. 13 & Stage Rd. (Delmar Gateway) Subdivision of Parcel 472 into 8 Lots and Re-Subdivision of Lot #3, Delmar, MD

Mr. Parker described this property as being the empty parcel north of NAPA that used to have a vegetable stand on it. They are commercial lots and each lot has footage from Stage Road to Rt. 13. The utilities run parallel with Rt. 13 and tie back to Stage Road. There is now one entrance off Rt. 13. The State is mandating a bike lane and widening of the turn lane and it is just not financially feasible to do, so they will be abandoning the entrance off of Rt. 13 and each parcel will have access to Stage Road. The 8 lots (Lot 4, 5, 6, 7, 8, 9, 3A and 3B) will be 1-2 acres and each will have their own storm-water. The property is zoned Community Business. The entrance will be past NAPA and going past the 3 houses on Bi-State Blvd.

After reviewing the plat provided, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the subdivision of Parcel 472 into 8 lots (Lot 4, 5, 6, 7, 8, 9, 3A and 3B) per the attached plat. Mayor Wells seconded the motion which passed with 3 ayes and 2 absent.

Dean and Lorie Woroniecki- Affordable Business Systems, Inc. 8662 Ocean Highway, Delmar, MD- Site Plan for a Proposed Warehouse

Mrs. Lorie Woroniecki was present and stated that they have purchased Lot B and want to put a warehouse in the back to store their inventory. The location is right next to NAPA where a church used to be located. The purchase of the business and the warehouse will be under the name of Woroniecki Enterprises, LLC. The bigger trucks for deliveries will be going to Triglia Transportation and loaded into smaller trucks that will then deliver to their business location.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for the proposed warehouse site plan to be constructed for Affordable Business Systems, Inc., located at 8662 Ocean Highway, Delmar, MD, per the attached drawings. Mayor Wells seconded the motion which passed with 3 ayes and 2 absent.

Justin's Treasures- Sign Approval for 501 E. Pine Street, Delmar, MD

Steven Chan was present for Justin's Treasures. Both Deputy Mayor Unsell and Mayor Wells stated that Justin's Treasures is a very nice place. Mr. Chan said that the sign will be vinyl with a metal piece running down both sides and will be done by Mid-Atlantic Graphics. The sign will be 97.5 sq. ft. and will be 13 ft. by 7.5 ft. and will be attached to the building. There is currently no signs or banners at the location.

Deputy Mayor Unsell made a motion to accept Planning and Zonings favorable recommendation for a 13 ft. by 7.5 ft. sign to be placed on the building of Justin's Treasures located at 501 E. Pine Street, Delmar, MD, per the attached drawings. Mayor Wells seconded the motion which passed with 3 ayes and 2 absent.

Upon noting that the Planning and Zoning Commission made a favorable recommendation for a 10 ft. by 10 ft. sign for Justin's Treasures and not a 13 ft. by 7.5 ft. sign, the motion was amended to approve the 13 ft. by 7.5 ft. sign presented this evening at the Mayor and Commissioners meeting. That motion was made by Deputy Mayor Unsell and seconded by Mayor Wells and passed with 3 ayes and 2 absent.

Town Manager Report

The Town Manager reported that she received a phone call from Wicomico County Public Works advising the Town that they are proposing improvements to the recycle station on Foskey Lane. Residents are using the station

as a dumping grounds for other things besides recyclable items. They will be installing a light and a camera and doing some light landscaping to the area. There is no specific date set for when these improvements will begin since this will be a pilot program that they will be doing at other stations. They did say that it is projected to begin prior to the end of this fiscal year, but if not, definitely by the end of the next fiscal year. They are in the process of working with the electric company along with the costs of the lighting as well as the cost involved with the cameras.

She is working with the part-time Code Enforcement Officer on obtaining contracts with towing services. We will be outsourcing the towing of the abandoned vehicles on properties in Delmar, of which there are a significant number.

Town Manager Bynum-King stated that she received a letter from the Community Parks and Playground Program making us aware that the Town is being considered for funding for the Gordy Park upgrades to the pavilion in their FY'18 Maryland Capital Budget. It is now headed for a review by the Maryland Department of Planning and the Board of Public Works. The Town also submitted an application again this year for Program Open Space for the same project. The Town is not guaranteed funding from either source, but both have told us that we are on their list for consideration for funding. There may be a possibility that we could get funding from both sources. The Town has earmarked some funds through the budget process to go towards this project. The Town would be happy to receive funding from either source to help offset the total project cost.

She received an email from Roger Water with the Delmar Little League that had an attachment for a proposal they want The Town to submit for funding for the lighting of the girls softball field and to create another ball field at the Mason Dixon Park. The email with the attached application for submittal came after the deadline for Program Open Space. If funding does come from both sources for the Gordy Park upgrade, The Town would like to work with Program Open Space to fund both projects. The Town will also submit the Little League application to the Community Parks and Playground Program.

The Parks and Recreation Council is trying to get organized and through the Interest meetings that were held, 5 individuals have expressed interest in serving the Council. Town Manager Bynum-King informed Mayor Wells that she will need to appoint one of her Commissioners to the Parks and Rec. Council so that their meetings can begin. The Council will be able to work with the Little League on their proposed projects along with other projects and make recommendations to the Town for final consideration.

Town Manager Bynum-King said that the Maryland Spring Clean-Up went well with great participation from the Maryland residents. The Administrative Staff is very grateful to the Elected Officials for the luncheon and that both Mayors were able to attend. The Administrative Office will be closed on Monday, May 29th in observance of Memorial Day.

Town Manager Bynum-King asked for a brief Executive Session in order to discuss an offer that was made for a certain parcel of Town owned property.

Commission Comments

Deputy Mayor Unsell informed everyone that there will be an ESAM MML meeting Friday, May 26th at Harrison's Restaurant in Ocean City. He also stated that Deer's Head will be having a charity golf outing at the Ocean Resorts Golf Course. Two of his foursome have backed out and he is actively looking for individuals to join his team.

Public Comments

Mr. and Mrs. McMullen informed the Commission that they have lived on Chestnut Street for over 40 years. Lately they have been having discussions on moving out of Delmar. He asked for more information on the doorknockers and the certified letters and the time frame involved with both.

Town Manager Bynum-King said that the Town has hired a part-time Code Enforcement Officer who started in November and is in charge of grass, debris and abandoned vehicle violation notifications. He is not affiliated to anyone in Town and will not be accused of having favorites or “picking on” residents. The doorknocker will identify which of the three violations they are being notified about. The first doorknocker will make the resident aware that The Town does have ordinances that speak to the specific violation they are being notified about. The doorknocker gives the resident a week to make the corrections needed to be in compliance with the Town’s ordinances.

If there are no changes made to the property that was referred to in the first doorknocker, a second doorknocker is hung on the property which gives the resident another week. Again, if nothing happens, a certified letter is sent out 7 to 10 days to correct the matter before the Town Public Works perform the necessary action to address the violation.

Mr. McMullen said that he lives at 304 Chestnut Street on the corner of 4th Street. Their block along with the 200 and 300 block of Chestnut Street have major grass and housing condition issues that seem not to be addressed by the owners or the Town. He showed the Town Managers the pictures that he took at 4:00 p.m. this evening of the violations with the address of each property on the back of the picture. Town Manager Bynum-King said that she will follow-up with the part-time Code Enforcement Officer to see where in the process these addresses are. And if they are not in the process, then find out the reason why.

Mr. McMullen spoke of the Merritt house which has been an eyesore for years. The windows are smashed and he sees cats going in and out of it all the time. He asked if the Town could board up the windows. He said that he doesn’t want any cats left inside, but he doesn’t want to live next to a property where creatures can take over a property that is close to him. The Town Manager responded that the house has been tied up for years in litigation and the Town cannot do anything with it, but keep cutting the grass. She said that the property has been an issue for the Town for many years. She said that she would get this information to the part time Code Enforcement Officer. The McMullen’s said that when they leave their home to go to work or to go elsewhere in Delmar, they are disturbed with all the unkempt lawns and the piles of limbs that seem to be in everyone’s property.

The Town Manager stated that she understood what he is saying. The Town started this doorknocker process last year with the outsourcing of a part time code enforcement officer. The Town and residents embraced the doorknocker process which helped the Town have a better process for the violations and to keep track of where a property is in the process and to make the residents more aware of how important it is to maintain their property.

Mr. McMullen said that last year the Town had a lady from Georgetown doing the grass height inspections with whatever else she was inspecting. Nothing ever happened with his neighbor next door with the grass being knee high. He asked if the Code Enforcement Officers are looking in people’s back yards. The Town Manager said that the Officers are not allowed to go on to fenced rear yards. The Code Enforcement Officer usual takes a visual assessment from the street. There have been times when neighboring property owners have authorized the Town to view an untidy rear yard from their property. The Town Manager said that she will follow-up with the addresses he provided and will call him as soon as she has answer.

Mr. McMullen said that the people who live at 404 E. Chestnut Street ties up their dog outside during the day time.

The dog is actually crying and not barking all day. He would like someone to look into what is going on. Police Chief Barkley said that it needed to be turned over the Animal Control.

Town Manager Bynum-King encouraged the McMullen's not to wait until things build up and results in them being frustrated and feel like nothing is being done. Any time that they have a concern or see something that is an issue to contact her right away. At the very least she would be able to get a status on any problem property sooner than them having to wait once a month for a Commissioner's meeting, that no one present has specific answer.

Mrs. McMullen said that she loves the street sweeper. Mr. McMullen said that his sidewalk on the 4th Street side is not there anymore. The blacktop is missing and he's sure the street sweeper is not helping the already broken sidewalk. It's from Chestnut Street to the alley and it's on both sides of the street.

Town Manager Bynum-King thanked him for the information he provided this evening and promised that she will contact him when she has found out more.

Delegate Carl Anderton, Jr. told the Commission that he was glad to be home. This session seemed to be extremely long. He is trying to attend all the municipalities meetings. The session, while seemingly long was productive with the increase of HUR funding. They will keep pushing for more revenue. He said that he will speak with the Board of Public Works in reference to the pavilion at Gordy Park. Delegate Anderton said that anytime the Town is applying for any funding, to contact his office and he will help in any way he can.

Adjournment into Executive Session

Commissioner Scholl made a motion to go into Executive Session which was seconded by Deputy Mayor Unsell. The motion passed with 3 ayes and 2 absent.

At 8:45 p.m. Commissioner Scholl made a motion to return to regular session, which was seconded by Deputy Mayor Unsell and passed with 3 ayes and 2 absent.

The consensus of the Maryland Commissioners was to authorize Town Manager Bynum-King to proceed with securing a professional appraisal on the parcel of land owned by the Town in which an offer to purchase was submitted.

Deputy Mayor Unsell made a motion to adjourn the meeting, it was seconded by Commissioner Scholl and passed with 3 ayes and 2 absent.

Submitted by:

Cindy Fisher
Clerk of Council