

## MAYOR & COMMISSIONERS

July 10, 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, Commissioners Scholl, Morgan and Tucker, Town Manager Bynum-King, Town Attorney Benson and Clerk of Council Fisher. Guests: Delmar Police Chief Barkley, Tina Wagner, Kyle Hughes, Chris Gilkerson, Mark Weber and MD Delegate Carl Anderton.

### **Call to Order**

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

### **Mayors Comments**

Mayor Wells said that this was the second year in a row she has not been able to attend the Maryland Municipal League Convention in Ocean City. Her son is on a travel baseball team and they were in Kentucky that week.

She wanted to take a moment to acknowledge that Mayor Houlihan's father passed last week as did Town Manager Bynum-King's step-son. Prayers and well wishes are being sent out to both families.

### **Public Hearing- MD Ordinance 733- Declaring Foskey Lane as surplus property and authorizing the sale**

Town Attorney Benson reported that the Commission held the First Reading of this ordinance in June. A notice of this Public Hearing was advertised in the newspaper and after reading the ordinance, the Commissioners can either vote on it now or table it until another time. This ordinance will authorize Mayor Wells and the Town Manager to enter into a contract with the buyer. A contract was offered prior to the first reading in June. Town Attorney will review the draft and make his recommendations in a day or two. The Mayor can sign it as it is or changes can be made.

Commissioner Tucker made a motion to open the hearing to public comments. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Mayor Wells stated that this property is on the north side and is binding upon Foskey Lane. The Town purchased this land a few years ago for the placement of a Public Safety Building. Instead, the old Town Hall building was transformed to the new Public Safety Building. The property is now surplus and the Town wants to sell it. We do have a potential buyer. The passing of this ordinance will allow the Mayor and Commissioners to do that.

Upon hearing no more Public Comments, Commissioner Scholl made a motion to close the public comment section of the hearing. Commissioner Morgan seconded the motion which passed with 5 ayes and 0 absent.

Commissioner Scholl made a motion to approve MD Ordinance #733 declaring the Town owned property on Foskey Lane as surplus property and authorizing the sale of that property to DEVRECO, LLC. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

### **Approval of Minutes**

Commissioner Morgan made a motion to approve the June, 2017 minutes as circulated. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

### **Unfinished Business**

Second Street Safe Route to School Project Status

Town Manager Bynum-King reported that they are preparing for the bidding process.

#### Brock Parker- Revised Concept Plan for Pheasant Lake

Mayor Wells stated that the Commission tabled the discussion on this project last month to let everyone have time for questions and give her time to talk to Dr. Hanlin in reference to the Bi-State Agreement. After speaking with Dr. Hanlin, Mayor Wells said that no funding would be coming from the State of Maryland for a new school. The Wicomico County Board of Education is saying that the Elementary School is not to capacity because they do not count Delmar, DE students. Mayor Wells said that she called Delegate Anderton in Annapolis and spoke to him about the situation and he said that he had a meeting with Mr. Culver, the Wicomico County Executive and will bring the situation to his attention. She has not heard back from Delegate Anderton.

There was some discussion on the possibility of this project being a 55 + community. Mr. Parker stated that Mr. Maszera, the developer, thinks he will not be able to sell the units for a 55+ community.

Mayor Wells stated that Dr. Hanlin, informed her that Delmar is low on the priority list since they only count Maryland students attending the Elementary School. Mayor Wells was at a loss for words. She finds it hard to say okay to the project and move forward when there is no school to put the kids in. She stated that she wanted to wait until she heard back from Delegate Anderton. Mr. Parker said that Delegate Anderton has been helpful to him in the past.

Mr. Parker wanted some clarity. He asked if the reason the Commission is holding off making a favorable recommendation until they know if there is something in the works for funding for the school. Mayor Wells said that she wants to work together with Mr. Parker. We're just trying to find out who can help with the funding of the school. Mr. Parker said that it would be 1 1/2 years before he'll be able to complete the funding aspect of this project.

Delegate Anderton arrived at the meeting and Mayor Wells asked for information about the meeting with Wicomico County Executive Culver. Delegate Anderton said that Wicomico County along with the State of Maryland is aware of how much of a priority this is to Delmar. He asked Mr. Parker what style of homes they would be building. Mr. Parker responded that they would be rental apartments. Delegate Anderton stated that the Wicomico County Board of Education will not pay for the school. He said that it's like a double edged sword. You want your community to grow but you don't want anything to disrupt the Bi-State Agreement. He also said that the building of apartments is a bad idea for the Bi-State Agreement. He said the more permanent the resident the better. People are moving into this area just for their kids to go to the Delmar School System. Right now there are kids going to the schools in Delmar that don't even live in the area.

Mayor Wells continued to state her belief that senior housing is the way to go. People don't want to leave the only home they know, people just don't want to leave Delmar. The seniors can still live in Delmar and not have the responsibility of a whole house.

The consensus of the Mayor and Commissioners was to table this discussion until more information comes back in reference to the funding of the school.

#### **New Business**

##### MD Resolution- 2017-07-10- Application Submittal Authorization of \$325,000 to CDBG

Town Manager Bynum-King informed the Mayor and Commissioners that the Town of Delmar has been involved with the Community Block Grant Program since the 1970's and has worked with hundreds of families. This

program provides homeowners the opportunity to upgrade their home and improve their quality of life. The program has provided decent, safe and healthy living conditions for many families in our area. The program has funded heating systems, new roofs, windows, plumbing and electrical upgrades to name a few of the projects. The Town will continue its efforts to revitalize substandard living conditions, therefore we would like to submit an application for a grant for the rehabilitation of eight qualifying homes for the amount of \$325,000.

Commissioner Tucker made a motion to approve MD Resolution 2017-07-10 which authorizes the Town to submit an application for Community Development Block Grant funds in the amount of \$325,000. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

### **Student Advisory Report**

Mayor Wells said that it is summer and Ms. Patel won't be here for a few meetings. She did say that she would be returning in the new school year to be on the Student Advisory Board.

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

Chief Barkley informed the Commission that they had applied again for the COPS Grant to continue having a Resource Officer at the High School. The Department has been made aware that the agency does have their application and will be reviewing it.

The impound lot is mostly clear of vehicles. K9 Atilla is out and working. Chief Barkley stated that the Town at certain points have relied on the Sheriff's Dept. to do drug sweeps at the high school. The Sheriff's Dept. has contacted the Town asking for our K-9 to sweep the Civic Center for a wrestling event.

Chief Barkley said that Delmar's National Night Out is coming along very well. Everything is set up and ready to go.

Chief said that with this weather, domestic issues seem to be happening everywhere. About 3 weeks ago, while assisting Sgt. Bond with a domestic dispute, Cpl. Heacock was injured and is currently on light duty pending the outcome of an MRI. He is currently working the phones and doing paperwork.

Mayor Wells said that earlier in the year, the Town was having a rash of thefts from motor vehicles and asked if we had caught those individuals or if we are still experiencing the problem. Chief responded that they did apprehend one individual but school is out right now. He also stated that there are also problems with the vandalizing of the bathrooms in the parks but between the on-call person and the officers, the bathrooms are locked up every evening by dusk.

### **Code Enforcement Officers Report**

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

### **Fire Department Report**

No one was present to give a report nor was there a report in the mail packet.

### **Utility Commission Report**

Deputy Mayor Unsell reported that the Utility Commission had two property owners from Bridgewood Estates requesting irrigation wells for their properties. The Commission approved both requests.

### **Public Works Report**

Mayor Wells stated that the Public Works Commission meets on a quarterly basis. The report is included within the mail packet.

## **Planning & Zoning Report**

Commissioner Scholl reported on the following:

### Kyle Hughes- 30603 Dusty Lane, Delmar, MD, Placement of directional and advertising sign

One sign will be off of Rt. 54 and the other will be at the first intersection of the Heron Ponds Development. Mr. Hughes said that the Barn has 30 events already scheduled for next year.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for sign approval from Kyle Hughes for the directional and advertising signs for 30603 Dusty Lane, Delmar, MD, per the attached drawings. Commissioner Morgan seconded the motion which passed with 5 ayes and 0 absent.

### Chris Gilkerson- New Home Construction Lot 11, Nichols Estate Phase II, Stage Rd., Delmar, MD

This is similar to the other models they have built in Nichols Estate.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for the construction of a new home on Lot 11, Phase II, Nichols Estate, Stage Rd., Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

### Chris Gilkerson- New Home Construction Lot 12, Nichols Estate Phase II, Stage Rd., Delmar, MD

Commissioner Morgan made a motion to accept the favorable recommendation from Planning and Zoning for the construction of a new home on Lot 12, Phase II, Nichols Estate, Stage Rd., Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

### Chris Gilkerson- New Home Construction Lot 13, Nichols Estate Phase II, Stage Rd., Delmar, MD

Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for the construction of a new home on Lot 13, Phase II, Nichols Estate, Stage Rd., Delmar, MD, per the attached drawings. Commissioner Morgan seconded the motion which passed with 5 ayes and 0 absent.

### Chris Gilkerson- New Home Construction Lot 14, Nichols Estate Phase II, Stage Rd., Delmar, MD

Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for the construction of a new home on Lot 14, Phase II, Nichols Estate, Stage Rd., Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

### Insight Homes- Tina Wagner- New Home Construction Lot 166, 9505 Heron Ponds Parkway, Delmar, MD

This home is the same as the model in the development. It is the Vandelay style home which has already been an approved style house for this development.

Commissioner Morgan made a motion to accept the favorable recommendation from Planning and Zoning for the construction of a new Vandelay home on Lot 166, 9505 Heron Ponds Parkway, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

### Insight Homes- Tina Wagner- New Home Construction Lot 167, 9523 Heron Ponds Parkway, Delmar, MD

This is the Drake style home which has already been an approved house style for this development. It seems to be the favorite style in the community so far.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from Planning and Zoning for the construction of a new Drake home on Lot 167, 9523 Heron Ponds Parkway, Delmar, MD, per the attached drawings. Commissioner Morgan seconded the motion which passed with 5 ayes and 0 absent.

### **Town Manager Report**

Town Manager Bynum-King informed everyone that last month, on June 13th, she did attend the Wicomico County Tax Sale to bid on the house on First Street. It is the property that abuts the Park. She was the successful bidder for the property.

The auditors will be here this week on the 11<sup>th</sup>. They have already randomly selected one Elected Official from each side to participate in a fraud assessment. They are Deputy Mayor Unsell from the Maryland Commission and Council Member Boyan from the Delaware Council. They will be interviewed by our auditor, Kim Ruark. The auditors will be here through the 13<sup>th</sup> and will return in September to start their end-of-year field work.

Town Manager Bynum-King said the Town did receive funding for State Street Park to match the money we had for the project. During the Budget Workshop, Commissioner Scholl spoke about the submittal of an application as our matching money which was successful. So the Town will have \$40,000 for that project and the Town will also receive funds from Community Parks and Playground for the pavilion in Gordy Park.

She thanked everyone for their thoughts and prayers in the untimely death of her step-son.

### **Commission Comments**

Commissioner Tucker thanked all the Town's staff for their hard work and dedication. He thanked Mayor Wells for standing up for the current citizens of Delmar and not letting outsiders in.

Commissioner Morgan spoke of the extremely hot weather we will be experiencing the next few days.

Deputy Mayor Unsell spoke about an economy session he attended at MML. The economical signs have indicated that in the past 5-10 years, apartments were over built. There will be a tremendous trend within the next 5-10 years for first time home buyer homes.

Commissioner Scholl stated he attended the Planning and Zoning session at MML.

### **Public Comments**

A resident commented on all the new homes being approved tonight to be built in Delmar and all the vacant homes Delmar already has. He asked why there was so many and what Delmar is doing about them. Mayor Wells said she is not sure why there are so many but the Town does register its' vacant homes and have the property owners as being the responsible parties. Town Manager Bynum-King said that there are a lot of vacant homes in Delmar but a lot of homes in the inner core of Delmar have been selling. Not all the sales are just for investments, there are actually families moving in.

The resident also spoke about the Parks and Recreation Council and was wondering how it was coming along. Town Manager Bynum-King said that we have received commitments from 5 residents who are actually interested in being part of the Council. Parks and Rec. employee Kayla Brennick will be scheduling a meeting and preparing to order equipment for the State Street Park. After the initial meeting, a list will be presented to the Elected Officials so the individuals can be sworn in as Parks and Rec. Council members.

Delegate Anderton said that he is proud of the Commissioners for standing up to the developer who wanted to bring so many apartments to Town.

**Adjournment**

Upon hearing no more public comments, Commissioner Tucker made a motion for adjournment which was seconded by Commissioner Scholl. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher  
Clerk of Council