

MAYOR & COMMISSIONERS
April 9, 2018

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, Delmar Police Chief Barkely, Town Attorney Benson and Clerk of Council Fisher. Guests: James Libengood, Delmar Fire Chief Shawn Johnson, Chris Gilkerson, Ryan Poe, Salisbury Councilman Jack Heath and Kyle Hughes

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Mayors Comments

Mayor Wells thanked everyone for coming out this evening.

Mayor Wells read and signed the following Proclamations: April is Fair Housing Month- and May 6-May 12 is Municipal Clerk's Week.

Approval of Minutes

Commissioner Morgan made a motion to approve the March, 2018 minutes as circulated. Commissioner Scholl seconded the motion which passed with 4 ayes and Commissioner Tucker abstaining due to his absence last month.

Unfinished Business

Town Manager Bynum-King spoke of the fire hydrant adapters. She was informed that the Public Works Director met with Fire Chief Johnson to discuss and locate where the new adapters are needed in Town. There are 16 needed in Heron Ponds and 3 throughout other locations in Town. According to the Public Works Director, he and Chief Johnson had a follow-up discussion today and placed an order for the adapters. Fire Chief Johnson questioned why the Town was purchasing the hydrants and not the developer. The Town Manager informed the Fire Chief because he stated the safety factor associated with not having the adapter on the hydrants, the Town views the importance as a priority. The Town will have the adapters ordered and installed and assess the developers for all associated costs.

New Business

1st Reading of Delmar Assisted Living Annexation- Pending

Mayor Wells said that since it is pending there must not be anything to discuss.

Student Advisory Report

Ms. Patel was not present to give a report.

Police Chief's Report

Police Chief Barkley reported that there are no new crime trends to report. He has received a letter from the Wicomico County Department of Elections requesting assistance on election night. They are asking for a uniform presence at the polling locations. They are considering the possibility of an active shooter incident and the protection of the voters. There have been no threats made. They just want to be pro-active. Chief Barkley said that

he is not quite sure if he will be sending his officers, but hasn't decided as of yet.

He informed the Elected Officials that on Wednesday, there is something planned at the Middle/High School, if they get any questions from the public.

Parks & Rec Report

Town Manager Bynum-King said that there was not a meeting last month. The next scheduled meeting is Wednesday, April 17th at 6:30 p.m.

Code Enforcement Officers Report

Town Manager Bynum-King said that she did include a general report in the mail packets showing the activity for the building permits and CO's. She informed everyone that the interview process for the Code Enforcement Officer will start this Thursday.

Fire Department Report

Fire Chief Johnson was present and gave the report on the number of fire, EMS and 911 phone calls they have received so far this year. He said that the hydrant markers have been placed on Stage Rd., Pond's Edge and they are starting in Wood Creek. The colors are blue, green, orange and red which indicate the water flow of the hydrants. This is replacing the idea of the hydrant markers on the road. They have started on the Maryland side and once they get the information on how many are needed on the Delaware side, they will be ordered.

Mayor Wells asked about the effectiveness of these new markers and the ability to see them at night. Chief Johnson said they light up like a Christmas tree. It is a 3M product and is very durable and can be out in all kinds of weather.

Utility Commission Report

Deputy Mayor Unsell reported that the work on the Pine Street Pump Station has begun ahead of schedule. There is nothing new on the Grove Street Water Main project. Mr. Doug Marshall came before the Utility Commission asking for an impact fee reduction for both Yorkshire Estates and Heron Pond's. The Commission told him that the budget process was just about completed and he should have contacted them before February.

Public Works Report

Commissioner Tucker reviewed the report that was included in the mail packets.

Planning & Zoning Report

Commissioner Scholl reported on the following:

James Libengood- Reconfiguration of 200 and 202 E. East St., Delmar, MD

Mr. Libengood said that he has owned these properties for quite a while. He is interested in selling them and had a survey done which shows that the property line for 202 E. East Street goes right through the house. He would like to move the property line so that each property is equally divided. The house was built back in the 1920's. He knows that he will have to go before the Maryland Board of Zoning Appeals because moving the property lines the way he wants will create a need for a variance due to the front width footage does not meet the requirements.

Town Attorney Benson said that Mr. Libengood will require 2 variances. The properties are located in an R-1 district which requires a 50 ft. front yard width. He is asking to reduce it to 45 ft. for each property. It is a decision to be made by the Board of Zoning Appeals. Right now the Commission can do one of three things; 1) do nothing, 2) motion to recommend Mr. Libengood to go forward to the Maryland Board of Zoning Appeals, or 3) motion not

to recommend Mr. Libengood to go before the Board of Zoning Appeals.

Deputy Mayor Unsell made a motion to accept the favorable recommendation of Planning and Zoning for Mr. Libengood to go before the Maryland Board of Zoning Appeals for his 2 variance requests for the reduction of the front width footage for 200 and 202 E. East St., Delmar, MD. Commissioner Tucker seconded the motion which passed with 4 ayes and Commissioner Morgan abstaining.

Town Attorney Benson said that the meeting of the Maryland Board of Zoning Appeals is next Tuesday and Mr. Libengood will have to show a hardship and what makes his properties unique that it would warrant a variance. He said that another alternative is to sub-divide it into one lot.

Chris Gilkerson- New Home Build on Lot 9, 602 E. Chestnut Street, Delmar, MD

Mr. Gilkerson said that he would be building a home on 602 E. Chestnut St. He said given the width of the lot, he will be putting in a narrow style house so that no variance will be needed.

Deputy Mayor Unsell made a motion to accept the favorable recommendation of the Planning and Zoning Commission for a new house build on Lot 9, 602 E. Chestnut St., Delmar, MD, per the attached drawings. Mayor Wells seconded the motion which passed with 4 ayes and Commissioner Morgan abstaining.

Kyle Hughes- Sign Approval for Kylan Barn, located at 30603 Dusty Lane, Heron Ponds, Delmar, MD

Commissioner Scholl stated that Mr. Hughes does know that he cannot exceed the 10 ft. height restriction for the sign. Mr. Hughes said that the sign would be wood and be mounted on vinyl.

Mayor Wells made a motion to accept the favorable recommendation of the Planning and Zoning Commission for a new sign for Kylan Barn, located at 30603 Dusty Lane, Heron Ponds, Delmar, MD to be compliant in being 8 ft. high and 10 ft. in length, 15 ft. from the sidewalk and being 10 ft. total height from the grade, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and Commissioner Morgan abstaining.

Town Manager Report

Town Manager Bynum-King said that the week of April 23rd, St. Stephen's Church will be replacing their roof. The Delaware Council has granted to have First Street closed from State Street to Grove Street due to the demolition of the shingles.

The next budget workshop is scheduled for this Wednesday at 6:00 p.m. The First Reading for the Budget Resolution will be held at a Joint Council meeting on Monday, April 30th at 6:30 p.m. The notices for the upcoming LESMA meeting, which will be held in Ocean City have been distributed. RSVP's are needed by April 20th.

The Delmar, Maryland Spring Clean-Up is scheduled for April 24th and 25th. Anyone interested in participating in the clean-up will need to contact the Town office a week before the dates to be added to the list for pick-up.

April 23rd through the 25th, the Town Manager said that she would be out of the office attending a City/County Managers Conference which will be held in Salisbury this year.

As another fund raiser for Heritage Day, a cook book is being compiled and any recipes that anyone wants to have included should be forwarded to Clerk of Council Fisher, as she is spearheading this fundraiser.

Commission Comments

Commissioner Scholl said that he is ready for summer and he will bring recipes to Clerk of Council Fisher this week.

Deputy Mayor Unsell said that Little League Opening Day is this Saturday with the first pitch being thrown at 10 a.m. The parade starts at 9 a.m.

Commissioner Tucker thanked the Police Department for all the work that they do. He also stated that Pop Warner sign-ups are this week.

Commissioner Morgan informed everyone that this would be his last meeting. He has relocated to the Delaware side of Delmar. He thanked the Town for the opportunity to serve for the past 2 years. He has met a lot of great people and had a lot of great experiences.

Mayor Wells informed everyone that Commissioner Morgan has school aged children and for them to be able to attend Delmar schools, he needed to move to Delmar, DE. She is going to miss working with him. She said that as a replacement she will be looking for a representative that would be from a cross section of our Town. She will be keeping a look out for anyone from the east side of Rt. 13; maybe from Pond's Edge or from Bridgewood Estates. She really likes the idea of having everyone represented on the Commission but she is not going to do anything until after the budget process is over. Mayor Wells said that Commissioner Morgan is married to someone who was on the Planning and Zoning Commission who will also have to be replaced.

Public Comments

Resident Ryan Poe said that he was disappointed in not having a Parks and Rec. meeting this past month. He would like to start seeing things getting done. He asked Chief Barkley about his concerns and hesitations in having his officers at the polling locations. Chief responded that there are federal regulations that ban intimidation or interference in the voting process at the polls. A police presence could be thought of as intimidation.

Salisbury Councilman Heath attended the meeting and wanted everyone to know that the highway revenues are coming our way.

Town Attorney Benson said that with the pending First Reading of the Delmar Assisted Living Annexation, they want to be annexed. But they have to supply us with an annexation survey. What they did provide was paperwork that showed the property not being connected to the Town. It has to show the connection to the Town. They have signed the Annexation Agreement and that has been recorded along with the extension of services. We can move forward with the annexation of the properties once we get that annexation survey. We will have to go before Wicomico County Council to get the County's approval for the zoning change.

Adjournment

Deputy Mayor Unsell made a motion for adjournment which was seconded by Commissioner Tucker. The motion passed with 4 ayes and Commissioner Morgan abstaining.

Submitted by:

Cindy Fisher
Clerk of Council