

MAYOR & COMMISSIONERS

January 14, 2019

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 and Tucker, Town Manager Bynum-King, Delmar Police Chief Barkley, Town Attorney Benson and Clerk of Council Fisher. Guests: Ryan Poe, Chris Brown, Cody Webster, and Brock Parker.

Call to Order

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

Public Hearing- Ordinance 742-Rezoning request for 9295 Old Stage Road from R-3 to R-1

Mayor Wells asked for a motion to open the public hearing. Commissioner Scholl made the motion to open the public hearing which was followed by a second by Commissioner Tucker. The motion passed with 4 ayes and 0 absent.

Mr. Cody Webster stated that the property was annexed in 1997 and the Lots adjacent to this property have been re-zoned and built upon after 1997, which shows a change in the community. It was zoned R-3 mobile home and he would like it to be re-zoned R-1 residential to fit in with the rest of the neighborhood.

Upon hearing no other comments, Commissioner Scholl made a motion to return to the regular session which was seconded by Deputy Mayor Unsell. The motion passed with 4 ayes and 0 absent.

Mayor Wells read Ordinance #742. She stated that this is the first time she is hearing about this rezoning request. Commissioner Scholl said that this was heard at the December Planning and Zoning meeting. Commissioner Scholl said that Mr. Webster informed the P&Z Commission he wants to build a single family home to be compatible with the adjacent properties with their single family homes. The property is located on Stage Road on the east side of Rt. 13, where it connects with Line Road. There is water and sewer services available to that side of the street. Currently it is an empty Lot.

Commissioner Scholl made a motion to accept Ordinance 742 and to enter the minutes of the December, 2018 Planning and Zoning meeting in the record. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 0 absent.

Town Attorney Benson said that the motion will be final in 10 days from today.

Approval of Minutes

Commissioner Scholl made a motion to approve the December 10, 2018 minutes as circulated. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 0 absent.

Unfinished Business

Assisted Living Annexation

Town Manager Bynum-King informed the Commission that Wicomico County was supposed to present this annexation to the County Council last month in work session for the issues with water and sewer amendment to the Plan. There is supposed to be a Public Hearing scheduled for this month. The Town Manager said that she tried to contact Mr. Baker, prior to the meeting this evening for the status of the Public Hearing, but has not been successful. She also mentioned that Mr. Keith Hall, with Wicomico County Planning Office, has returned from medical leave and has committed to helping the Town through this process.

New Business

Marcie Elliott- Rental Property Maintenance

Mayor Wells informed the Commission that Mrs. Elliott had called and asked to be placed on the February agenda. She could not make it to this meeting due to the weather.

First Reading- Ordinance 741- Acceptance of gifted property- S. Memorial Drive, Delmar, MD

Town Attorney Benson stated that Ordinance #741 is here for the First Reading. The property on S. Memorial Drive is being donated to the Mayor and Commissioners and will be used for a public purpose. If Ordinance #741 is adopted this evening, a Public Hearing will be scheduled for February.

Deputy Mayor Unsell made a motion to accept the First Reading of Ordinance #741. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

Town Attorney Benson spoke about the previous Ordinance. It is a unique circumstance with the request to change zoning. The Commission is sitting as a Court with the Commissioners acting like judges. The applicant is supposed to present evidence and you try to figure out the facts. The main purpose of getting the information is to try and get a record so the Commission will have something to vote on. It is a standard that should be met.

Deputy Mayor Unsell said that the Commission has had an empty seat for quite a while. He spoke with Jack Lenox, who also lives in Wood Creek, about joining the Commission. Mr. Lenox did submit a letter to Mayor Wells expressing his desire to serve on the Commission. Deputy Mayor Unsell spoke about Mr. Lenox's background as having just retired after serving 16 years as the Director of Planning and Zoning and Community Development for Wicomico County. He has lived and owned property in Delmar corporate limits since 2005. Deputy Mayor Unsell said that he would like to submit Mr. Lenox's name for consideration.

Mayor Wells said that she did receive the letter from Mr. Lenox. She also said that last month she sent letters to residents of Ponds Edge and Bridgewood Estates to see if someone from those developments would like to be considered for the vacancy. The letter gave them until the end of January to respond. Town Manager Bynum-King stated that in the past, she would submit the letters of interest to the Mayor and she would make the recommendation to the Commission. Mayor Wells asked if Mr. Lenox could come to the meeting in February and invite anyone else that shows interest in filling the vacancy.

Student Advisory Report

No one was present to give a report.

Police Chief's Report

Chief Barkley reported that about 2 weeks ago, there had been a number of vehicle break-ins in the Bridgewood Estates development. They have located 2 of the individuals who are juveniles and have recovered the majority of

the stolen property. These are the same juveniles they have been dealing with repeatedly for the past few months. They are foster kids who are taking their foster parents to hell and back. These same kids were involved in some burglaries last month.

Mayor Wells stated that her vehicle was vandalized last night. She said that she received a few calls and that those who were involved rode bikes. They go around checking door handles and have located a few unlocked cars. They are by-passing a lot of property for pocket change and a couple of packet knives. The foster parents are being very co-operative with the police.

Chief stated that a report of shots fired turned out to be fireworks.

In reference to the traffic complaints; they made multiple stops on Connelly Mill Road. Most of the speeders stated that they were not aware of the new speed limit. The Department has not noticed any violations on Chestnut Street.

Chief Barkley stated that the new recruit started the Police Academy on January 4th and is doing well. During the snow event, the roads were very quiet

Parks and Recreation Report

Town Manager Bynum-King introduced an amendment to the By-Laws for the Parks and Recreation Council. There were no provisions included in the approved By-Laws referring to members that miss meetings. Members who miss 3 consecutive meetings without notification should be considered a non-participating member to the body and subject to dismissal from the Parks and Recreation Council. This was presented to the Delmar, Delaware Mayor and Council last week, who approved it contingent that the Maryland Mayor and Commissioners do the same.

The Town Manager reviewed the amendment with the Commission. Commissioner Scholl made a motion to accept the attendance amendment to the Parks and Recreation By-Laws as presented this evening. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 0 absent.

Code Enforcement Officers Report

Mayor Wells reviewed the report that was included within the mail packets. Town Manager Bynum-King said that the primary focus right now for the Code Enforcement Officer is the rental inspections of the complexes. Ponds Edge is the last inspection for 2018 which will be finished this week.

Mayor Wells asked about the Country Hearth Inn and Suites and the lady who wouldn't or couldn't vacate the property. The Town Manager did say that the daughter did pick up her mother and left all the property at the Inn. The owner of the Inn had to have the personal property removed and disposed.

Fire Department Report

There was no report included in the mail packets.

Utility Commission Report

Deputy Mayor Unsell reported that there was a mandatory pre-bid meeting for the Grove Street water main project in which 6 contractors attended. The bid opening will be January 22nd. The Town had to re-submit an application for the back-up well defining it as exactly a back-up well and not to be used for additional usage.

Mayor Wells inquired about sewer back-ups at the Elementary School last week. She said that someone from the Elementary School said that while the renovations are going on, there has been a sewer issue. Town Manager Bynum-King said to her knowledge there has been no interruption to their service. They have a well for their water but get sewer service from the Town.

Public Works Report

Commissioner Tucker reviewed the report that was included in the mail packets. Mayor Wells asked why the Town was putting blue lines in the driveways and streets. She said on Walnut Street, there are blue lines everywhere. The Town Manager said that the blue lines are to mark the water and sewer line locations but are to be only marked on the street. She will follow-up with the Public Works Director.

Planning & Zoning Report

Brock Parker- Subdivision of Parcel 580 into 3 new Lots, known as Lots 5, 6, and 7, west of Park Street, Delmar, MD

Mr. Parker stated that this parcel is on Maryland Avenue and fronts Maryland Avenue. He is requesting to subdivide a portion of the parcel into 3 Lots that will extension along and front Maryland Avenue. There will be no new road construction. The sewer and water will come from Maryland Avenue. The sewer line comes just short of these Lots. The developer wants to do it this way so they can get 3 Lots without the extra infrastructure costs. Each of the 3 Lots will exceed the minimal Lot sizes. The property is up for sale right now.

Mr. Parker said that he is asking for permission to subdivide the one parcel into 4 Lots, of which 3 will be new single family residential Lots facing Maryland Avenue. It is permitted by zoning. Water and sewer are already in the area and if it needs to be extended, the developer will pay for the extension.

Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation. Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the subdivision of Parcel 580, Maryland Ave. into 3 new Lots, known as Lot 5, Lot 6, and Lot 7 per the attached drawing. Commissioner Tucker seconded the motion which passed with 3 ayes and 1 nay vote from Mayor Wells.

Sadhak Gonzalez- New home build on Lot 59, Swingbridge Lane, Bridgewood Estates, Delmar, MD

After reviewing the drawings and seeing that the house plans fit inside the setbacks, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home built for Sadhak Gonzalez on Lot 59, Swingbridge Lane, Bridgewood Estates, Delmar, MD, per the attached drawings. Mayor Wells seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- New Home Styles for Heron Ponds, Delmar, MD

“Powell”- after reviewing the elevations, Commissioner Scholl stated that the Planning and Zoning Commission did give a favorable recommendation for the “Powell” to be a building option for Ryan Homes in Heron Ponds.

Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for “Powell” to be a new home style for Ryan Homes in Heron Ponds, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 0 absent.

“Sienna”- after reviewing the elevations, Commissioner Scholl stated that the Planning and Zoning Commission did give a favorable recommendation for the “Sienna” to be a building option for Ryan Homes in Heron Ponds.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for “Sienna” to be a new home style for Ryan Homes in Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

“Allegheny”- after reviewing the elevations, Commissioner Scholl stated that the Planning and Zoning Commission did give a favorable recommendation for the “Allegheny” to be a building option for Ryan Homes in Heron Ponds.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for “Allegheny” to be a new home style for Ryan Homes in Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

“Ballenger”- after reviewing the elevations, Commissioner Scholl stated that the Planning and Zoning Commission did give a favorable recommendation for the “Ballenger” to be a building option for Ryan Homes in Heron Ponds.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for “Ballenger” to be a new home style for Ryan Homes in Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- Home Style “Sienna”, elevation B on Lot 111, located at 30741 Bobwhite Drive, Heron Ponds, Delmar, MD

After reviewing the plat and having no questions, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home style Sienna, elevation B on Lot 111 located at 30741 Bobwhite Drive, Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- Home Style “Alberti”, 2- story on Lot 121, located at 9561 Mourning Dove Way, Heron Ponds, Delmar, MD

After reviewing the plat and having no questions, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home style Alberti, 2-story on Lot 121 located at 9561 Mourning Dove Way, Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- Home Style “Powell”, elevation A, on Lot 128, located at 30726 Hawks Way, Heron Ponds, Delmar, MD

After reviewing the plat and having no questions, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home style Powell, elevation A, on Lot 128 located at 30726 Hawks Way, Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- Home Style “Ballenger”, elevation A on Lot 130, located at 30737 Spoonbill Court, Heron Ponds, Delmar, MD

After reviewing the plat and having no questions, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation. It was also stated that this is the closest house to the amphitheater.

Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home style Ballenger, elevation A on Lot 130 located at 30737 Spoonbill Court, Heron Ponds, Delmar, MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 0 absent

Chris Brown- Ryan Homes- Home Style “Bramante”, 2 story, on Lot 166, located at 9505 Heron Ponds Parkway, Heron Ponds, Delmar, MD

After reviewing the plat and having no questions, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home style Bramante, 2 story on Lot 166 located at 9505 Heron Ponds Parkway, Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- Home Style “Powell”, 2 story, on Lot 167, located at 9515 Heron Ponds Parkway, Heron Ponds, Delmar, MD

After reviewing the plat and having no questions, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home style Powell, 2 story on Lot 167 located at 9515 Heron Ponds Parkway, Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Tucker seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- Home Style “Ballenger”, 2 story on Lot 176, located at TBD Royal Tern Drive, Heron Ponds, Delmar, MD

Chris Brown stated that she would be getting the 911 address from Wicomico County and giving Community Development Coordinator Hardin the number prior to a building permit being issued. After reviewing the plat and having no questions, Commissioner Scholl stated that the Planning and Zoning Commission gave a favorable recommendation.

Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home style Ballenger, 2 story on Lot 176 located at TBD Royal Tern Drive, Heron Ponds, Delmar,

MD, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and 0 absent

Town Manager Report

Town Manager Bynum-King reported that it is budget workshop time. She passed out to the Mayor and Commissioners the schedules for the workshops.

She said that she received notification from the Delmar School District that they will be holding their College and Career Day on Monday, February 25th from 10:00 a.m. to 3:00 p.m.

The Town Manager said that last month there was discussion about the trash and debris along Connelly Mill Road, Foskey Land and around the railroad tracks. She has reached out to the County to see if a pre-release crew could be made available to pick up trash along these roadways. She has not heard anything back from the County

She wanted to remind the Elected Officials that Town Hall would be closed on Monday, January 21st in observation of Martin Luther King's Birthday.

Commission Comments

Commissioner Tucker thanked everyone for the Christmas Dinner and welcomed everyone back for the New Year.

Adjournment

Upon hearing no more Commission or public comments, Commissioner Tucker made a motion for adjournment which was seconded by Commissioner Scholl. The motion passed with 4 ayes and 0 absent.

Submitted by:

Cindy Fisher
Clerk of Council