

## MAYOR & COMMISSIONERS

March 11, 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, Commissioners Scholl, Tucker and Lenox, Town Manager Bynum-King, Delmar Police Chief Barkley, Town Attorney Benson. Absent: Deputy Mayor Unsell. Guests: Chris Brown, Doug Marshall and Alan Whitley.

### Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

### Mayors Comments

Mayor Wells stated that the Maryland Commissioners have had a vacancy for quite a while. She had received a letter of interest from Mr. Jack Lenox and scheduled a meeting. She feels that he would be an asset to the Commission and made a motion to appoint Mr. Jack Lenox as a member of the Mayor and Commissioners. The motion to accept the appointment of Jack Lenox as a Commissioner was made by Commissioner Tucker and was seconded by Commissioner Scholl. The motion passed with 3 ayes and 1 absent.

Mayor Wells administered the Oath of Office to Jack Lenox. Commissioner Lenox took his place at the Council table.

### Approval of Minutes

There was not a voting quorum for the February, 2019 minutes so they were tabled until April.

### New Business

#### Marcie Elliott- Rental Properties Maintenance

No one was at the meeting to give a presentation.

#### Alan & Peggy Whitley- Caboose Restoration Update

Mr. Whitley said that they are currently focusing on the restoration of the caboose and not the canopy. He said that the roof needs repairs, the window and window sills need replacing along with the wood trim. The whole east side of the caboose needs major repairs. There is some interior damage due to weather. New stairs on both sides with the south side being ADA compliant.

Mayor Wells asked Mr. Whitley when they would be able to start. He responded that he has been seeking donations and has raised about \$4,000 so far. They now have 3 contractors. He said that a contractor should be able to start as soon as the funds are available. Mr. Whitley said about 3 years ago they put the repairs out for bid and received some bids that were around \$15,000 but he said that he knows that prices have increased in those 3 years. He has asked the contractors to bid on the repairs both in pine and in cedar. The wood work was originally cedar.

Town Manager Bynum-King said that it was discussed in the budget workshop. She said that the Town is waiting on the return of the bids to see what is needed beyond the \$4,000 they have received in donations. Mayor Wells said that the caboose is an important part of the Town's history and heritage. She feels that there would be no

problem in getting this project completed. Neither she nor Mayor Houlihan has a problem with budgeting funds to restore the caboose. Mr. Whitley stated that he hopes the bids come in soon and he is still seeking donations. Mayor Wells said that the Town appreciates everything the Historical Society does.

#### Union United Methodist Church- Parade Requesting Town Assistance and Street Closure

Town Manager Bynum-King said that she received a call from Rose Mary Hudson a representative from Union United Methodist Church. The church will be celebrating 200 years and as part of the celebration they wanted to have a parade. They have secured permission to use the parking lot at the First Baptist Church on Bi-State and Walnut Street as a staging area for the Parade. Mrs. Hudson is seeking permission to close Sixth Street from Walnut Street to State Street as the parade route for about 2 hours. The overall parade would only take a few minutes. The parade route was shortened to eliminate use of and traffic control necessary for Bi-State Blvd. and State Street. They will be travelling from Sixth Street to State Street to Virginia Avenue. Virginia Avenue is in the County and they have already received permission from the County to use that street as well.

Mrs. Hudson also asked if the Town would donate a minimum of 2 hours of manpower from Public Works for the placement of cones and the Police Department to stop traffic on State Street from Virginia Avenue. The Parade will be in the morning of Saturday, May 4<sup>th</sup>. The Town Manager said that 200 years celebration is a significant milestone. The Town Manager said that the residents in the area of Sixth Street will be notified about the parade. Chief Barkley said that the Parade will be fine and the Town Manager said that she would speak with the Director of Public Works.

#### **Student Advisory Report**

No one was present to give a report.

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

Chief Barkley informed everyone about the events that took place on Friday. On Friday, a concerned parent stopped by the Police Department and expressed a concern of an image of his child on a phone. The young man was holding a fire arm. The Police could tell it was a pellet gun. On the side of caution, the Police department did some investigation follow-up. They went to Delmar Middle Senior High School and spoke with some of the kids. There was never a threat to the school or a threat to any of the students. The picture was not taken on school grounds and the gun was never on school property.

One of the students interviewed, when asked by other students about the Police speaking to him, put the blame elsewhere. That tale grew legs and was all over social media. Parents were scared and upset that the school never contacted them. This morning, the school sent out a media blast but the parents found that it wasn't informational enough. There was a lot of panic and a lot of misunderstanding. It got to a point where the Delmar Police Department put out a press release so everyone would know what has happened. Chief had Lt. Alexander do a brief interview with Channel 47 news. Chief said that there were a lot of communication miscues but he cannot tell the school how to run their school.

The pellet gun is in the possession of the Delmar Police Department. The student in the photo was taken for psychiatric counseling. The student was already in counseling. There was a total of 3 students involved.

Chief also reported on the incident that happened on Saturday, March 2<sup>nd</sup> at Food Lion in Delmar around 7:30 p.m. A lady was shopping inside the store and a man took her purse. She saw him walking with her purse and gave pursuit. The suspect pepper sprayed her and everyone who came to her aid. By-standers held the suspect until police arrived. When the Officers came on the scene, the suspect started showing signs of experiencing a seizure.

He received medical attention and was transported to PRMC. The suspect had 4 warrants out of Maryland which were served on him at the hospital and these new Delaware charges were lodged as a detainer.

Last Thursday, there was another theft at the laundromat. It was originally reported as a robbery and purse snatching. Chief said that they believe the suspect has been identified but as yet, has not been located. They are working with Parole and Probation in Maryland. Chief said that there are a lot of oddities in this case, but based on camera footage, he was identified by Parole and Probation.

Chief Barkley said that there will be an increase of monitoring of impaired driving this weekend all over the shore; Maryland, Delaware and Virginia.

Mayor Wells asked that when press releases are done, if she and the elected officials could be notified since she did not receive the press release. Chief Barkley said he was under the impression that she was on the list, but if not he would make that happen.

### **Parks and Recreation Report**

Town Manager Bynum-King reviewed the report included in the mail packets. She informed the Commission that the volunteers for the Parks and Recreation Council have been dropping off. They now only have 2 members when originally there were 5. The volunteers need to reside within the Delmar School District. The Council is getting ready to start their Community Garden. Lowes and Johnson Feed and Seed have donated everything needed to get the Community Garden up and running. Lowes will be doing this through their Community Outreach Program. They will be bringing volunteers from their company to assist with the project in addition to supplies such as rakes and shovels. Another resident, Robert Buck will be donating the soil

### **Code Enforcement Officers Report**

Mayor Wells reviewed the report that was included within the mail packets. The Town Manager said that the number of building permits on the report are only those that the Code Enforcement Officer has issued. There are more than 5 that have been issued. The new construction permits are not listed on the overall report.

### **Fire Department Report**

There was no one at the meeting to give a presentation and no report was given to be included in the mail packets.

### **Utility Commission Report**

Town Manager Bynum-King reported that there was a pre-construction meeting this past Wednesday for the Grove Street Water Main Upgrade project. The contract was awarded to ECM Corp. They should be starting the project on Monday, March 18<sup>th</sup>. We will be sending notifications to area residents to inform them that the project will be starting on the 18<sup>th</sup>.

The Town received permission from the State to use Well 3 B as a back-up well only, while the permit is under review. The State stipulated that Well 3B cannot operate at the same time as Well 3A; which we are fully aware because this is the original intention of the back-up well.

The Utility Commission gave a favorable recommendation to the Mayor and Council to approve the Utility Easements for the Delmar Business Park. The Town Manager concluded her report by stating the next Utility Commission Budget Workshop will be held on Wednesday, March 20<sup>th</sup> at 6:00 p.m.

## **Public Works Report**

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

## **Planning & Zoning Report**

Commissioner Scholl reported on the following:

### Chris Brown- Ryan Homes- New Home Build- Heron Ponds, Delmar, MD Lot 147 located at 30686 Hawks Way- Homestyle "Powell- 2 story"

After reviewing the documentation provided and having no questions, Mayor Wells made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build of "Powell- 2 story" on Lot 147 in Heron Ponds located at 30686 Hawks Way in Delmar, MD., per the attached drawings. The motion was seconded by Commissioner Tucker and passed with 4 ayes and 1 absent.

### Chris Brown- Ryan Homes- New Home Build- Heron Ponds, Delmar, MD Lot 109 located at 30727 Bobwhite Drive- Homestyle "Sienna- 2 story"

After reviewing the documentation provided and having no questions, Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build of "Sienna- 2 story" on Lot 109 in Heron Ponds located at 30727 Bobwhite Drive in Delmar, MD., per the attached drawings. The motion was seconded by Mayor Wells and passed with 4 ayes and 1 absent.

### Chris Brown- Ryan Homes- New Home Build- Heron Ponds, Delmar, MD Lot 177 located at 9513 Royal Tern Drive- Homestyle "Bramante- 2 story"

After reviewing the documentation provided and having no questions, Mayor Wells made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build of "Bramante- 2 story" on Lot 177 in Heron Ponds located at 9513 Royal Tern Drive in Delmar, MD., per the attached drawings. The motion was seconded by Commissioner Tucker and passed with 4 ayes and 1 absent.

### Chris Brown- Ryan Homes- New Home Build- Heron Ponds, Delmar, MD Lot 179 located at 9518 Royal Tern Drive- Homestyle "Alleghany- Elevation A"

After reviewing the documentation provided and having no questions, Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build of "Alleghany- Elevation A" on Lot 179 in Heron Ponds located at 9518 Royal Tern Drive in Delmar, MD., per the attached drawings. The motion was seconded by Mayor Wells and passed with 4 ayes and 1 absent.

### Chris Brown- Ryan Homes- New Home Build- Heron Ponds, Delmar, MD Lot 173 located at 9500 Heron Ponds Parkway- Homestyle "Alberti Ranch"

After reviewing the documentation provided and having no questions, Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home build of "Alberti Ranch" on Lot 173 in Heron Ponds located at 9500 Heron Ponds Parkway in Delmar, MD., per the attached drawings. The motion was seconded by Mayor Wells and passed with 4 ayes and 1 absent.

## **Town Manager Report**

Town Manager Bynum-King reminded the Commission that the annual spring clean-up for Maryland will be Tuesday, April 16<sup>th</sup> and Wednesday, April 17<sup>th</sup>. Delmar, Maryland residents can call in and schedule a pick-up time for either one of those days.

She also reminded everyone that the next L.E.S.M.A. dinner meeting will be held on March 26<sup>th</sup> at the Cambridge

Yacht Club. R.S.V.P.'s need to be turned in to the Clerk of Council no later than 4:30 p.m. on Thursday, March 14<sup>th</sup>.

The Maryland Municipal League Summer Conference will be held from June 23<sup>rd</sup> to June 26<sup>th</sup> in Ocean City. The deadline for early registration is April 19<sup>th</sup>. The Town can also save money by registering online. The deadline for hotel reservations is May 21<sup>st</sup>. Please let the Clerk of Council know of your intentions.

The next Joint Council Budget Workshop is Wednesday, March 13, 2019 at 6:00 p.m.

She stated that there is an Executive Session after this meeting for legal consultation.

### **Commission Comments**

Newly appointed Commissioner Lenox told Mayor Wells that he appreciated her confidence in him and looks forward to working with everyone. He said that he would not be able to attend the budget workshop this Wednesday.

Commissioner Tucker thanked Chief Barkley for everything he and his Department does. He thanked Commissioner Lenox for joining the Commission. He informed everyone that Pop Warner football registration will be happening soon.

Commissioner Scholl welcomed Commissioner Lenox and stated that he will look forward to his expertise with Planning and Zoning questions.

### **Public Comments**

Resident Doug Marshall stated that Salisbury is attracting Police Officers with high salary options. He is hoping the Town of Delmar can do something for the Delmar Police Department so they don't lose Officers.

### **Adjournment into Executive Session**

Commissioner Tucker made a motion to adjourn into Executive Session. The motion was seconded by Commissioner Scholl and passed with 4 ayes and 1 absent.

### **Executive Session**

Those present: Mayor Wells, Commissioners Tucker, Scholl and Lenox, Town Manager Bynum-King and Town Attorney Benson and via teleconference Aaron Shapiro, Legal Counsel. The purpose of the meeting was to discuss a recent inquiry received by the Town Manager from Representative from the General Teamster Local Union 326, regarding negotiations with the Delmar Police Department. After some discussion, the meeting concluded with several possibilities for the Mayor and Commissioners to consider.

Mayor Wells called for a motion to return to regular session, motion made by Commissioner Scholl and seconded by Commissioner Tucker. The Mayor and Commissioners agreed to take some time to give some thought to the information they obtained and would discuss at a later date. Town Manager Bynum-King was asked to send a letter acknowledging the letter of request, after which, they would wait for further guidance. Mayor Wells called for a motion to adjourn the meeting. The motion was made by Commissioner Tucker and seconded by Commissioner Scholl.

Submitted by:

Cindy Fisher

Clerk of Council