

## MAYOR & COMMISSIONERS

**April 8, 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, Tucker and Lenox, Town Manager Bynum-King, Delmar Police Chief Barkley, Town Attorney Benson. Guests: Planning and Zoning Commission Member Beverly Wilson, Kyle Hughes, Chris Brown, Patricia Petersen and Beth Dayton.

### **Call to Order**

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

### **Mayors Comments**

Mayor Wells administered the Oath of Office to the 2 new Maryland residents who will be serving on the Parks and Recreation Council; Patricia Petersen and Beth Dayton.

### **Approval of Minutes**

February, 2019- Commissioner Scholl made a motion to approve the February 2019 minutes as circulated. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and Commissioner Lenox abstaining due to his not being present at the February meeting.

March, 2019- Commissioner Tucker made a motion to approve the March, 2019 minutes as circulated. The motion was seconded by Commissioner Scholl and passed with 4 ayes and Deputy Mayor Unsell abstaining since he was not present at the March meeting.

### **Unfinished Business**

Town Manager Bynum-King stated that there was no Unfinished Business to address this evening.

### **New Business**

Town Manager Bynum-King informed everyone that there was no New Business for this evening.

### **Student Advisory Report**

No one was present to give a report. Mayor Wells stated that as of yet, we haven't gotten a Maryland student to give a report from the school. Town Manager Bynum-King said that there hasn't been one reporting for the Delaware side as well.

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

Chief Barkley reported that the Town has lost more than a few residents these past few weeks, all due to natural causes. Over the weekend there was a domestic situation that led a young man to take a few shots at the people who were moving a lady out of the house. No one was hit but there was property damage. They received crime scene assistance from the State Police and the man is in custody.

Chief reported that there seems to have been no residual effects from the internet situation from the high school from last month.

### **Parks and Recreation Report**

Mayor Wells reviewed the report that was included within the mail packet. Town Manager Bynum-King said that one of the Community garden beds have been completed. On the Garden Build Day, no volunteers showed up. It was just Member Ryan Poe and Town Liaison Amanda Taylor. The Town Manager did suggest to Amanda Taylor that when scheduling events, that there be enough notification to give the members and potential volunteers time to schedule attending the events. One more bed needs to be constructed. Maybe with better communication, more volunteers will attend the events.

### **Code Enforcement Officers Report**

Mayor Wells reviewed the report that was included within the mail packet. The Town Manager informed the Commission that the total number of Maryland permits were not for new construction but for things such as roofs and accessory structures.

### **Fire Department Report**

No report was include in the mail packet and no one was present to give a report.

### **Utility Commission Report**

Deputy Mayor Unsell reported that the Grove Street Water Main project was awarded on March 18<sup>th</sup>, but as of yet they have not started. The back-up well is on-line working well and the iron content is zero. There was a chlorine leak at the WTP which has been repaired.

### **Public Works Report**

Commissioner Tucker reviewed the report that was included within the mail packet. Mayor Wells asked the Town Manager about the Walnut Street sign at the intersection of Walnut Street and Bi-State Blvd. The sign indicates it is Walnut Street and not E. Walnut Street and indicated that it has caused some confusion since the County has a Walnut Street. Town Manager said that she would speak with the Director of Public Works to see about getting a new street sign if one is needed.

### **Planning & Zoning Report**

Commissioner Scholl introduced Commission Member Beverly Wilson. The first item on the Planning and Zoning report is an item that Commissioner Scholl excused himself of participating in discussion and voting since he lives in Heron Ponds and is a member of the HOA. Commissioner Scholl said that Commission Member Wilson will be presenting this item to the Maryland Commission. Commission Member Wilson asked Commissioner Scholl to leave the conference room as to not give any indication on how he feels on the matter.

Kyle Hughes- Heron Ponds- The use of 30626 Purple Finch Court as an Airbnb rental property in Delmar, MD  
Planning and Zoning Member Wilson explained to the Commission that the term "Airbnb" is a company that deals with short term rentals; such as for weekends or for the week. She explained that this home is the one that was moved from Rt. 13 and placed in Heron Ponds. The home is to accommodate Kylan Barn. Their patrons have expressed an interest in staying in one area instead of being spread out in a hotel. P&Z Member Wilson said that this is something new for Delmar and has not been addressed previously in the Delmar Zoning Code. The rental application and the Ordinances for the Town do not express any time limit for rentals.

Mr. Hughes said that this house sits in a cul-de-sac and is not part of the HOA of Heron Ponds. The house is approximately 3,000 square feet and sits next to the pump station. He said that he believes that Mr. Hardin was thinking this as a Bed and Breakfast, which it is not. They are not renting rooms in the house to different people.

They are renting the house to a party of so many people. But it is still a rental property which will be used for more than just the weddings taking place at Kylan Barn. There are the soft ball tournaments, the racing and the festivals around the area, for which people could take advantage of the space.

Town Manager Bynum-King said that there is nothing in the code to specify a length of a rental and this property would have to be registered as a rental property and be subject to inspections. Commissioner Lenox stated that short termed rentals is not a separate use under zoning and that it is allowed. The Town Manager said that one of the concerns was that of the neighboring properties will be dealing with more than one family and the possibility of having more than a few vehicles at the location. The aftermath of a weekend rental could create a problem when the neighbors start to complain. Mr. Hughes said that his business entrance shares the entrance with this house.

Mayor Wells said that she would not be able to use this service for her house because she owns it and it is not a rental. The property would have to have a rental license. Mayor Wells said that she did not want to penalize Mr. Hughes for him getting ahead of the game. She feels that this should be looked at for the next P&Z Code revisions. Town Manager Bynum-King said that the last revisions for the Planning and Zoning Regulations were made in 2015 and things are continuously changing.

Town Attorney Benson stated that while this is not a separate use under the zoning code, the current rental application may need to be amended to include Airbnb. The Planning and Zoning Commission may want to give additional regulations to short term rentals because they might be getting complaints from the neighbors.

Commissioner Lenox made a motion to accept the favorable recommendation from Planning and Zoning to allow 30626 Purple Finch Ct, in Heron Ponds, Delmar, MD to be used as a rental property for short term rentals. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and Commissioner Scholl abstaining. Town Attorney Benson wanted to make clear the request for the use of an Airbnb type of service is not a zoning issue and does not require Planning and Zoning to review until some different regulations are adopted. It is not a zoning issue and does not need to go before the Planning and Zoning Commission.

Commissioner Scholl returned to the conference room and brought the next agenda item to the Commissioners.

Kyle Hughes- Variance Request for the use of vintage props for Kylan Barn in Heron Ponds, Delmar, MD

Commissioner Scholl stated that Mr. Hughes wants to use vintage untagged vehicles as photo opportunity locations on his Kylan Barn property at 30603 Dusty Lane property. Mayor Wells stated that she did not see anything different with this than any other business putting out props to draw attention to the business. Mr. Hughes said that people have been asking for some staging to have family or bridal party pictures taken. He felt the vintage truck and tractor would lend to the “Barn” feeling. Town Manager Bynum-King said that the Kylan Barn location is zoned Community Business.

Commissioner Tucker made a motion to accept the favorable recommendation from the Planning and Zoning Commission for Kyle Hughes to move forward to the Maryland Board of Zoning Appeals for the variance request of using untagged vintage vehicles; a 1956 Chevy truck and a vintage tractor as photo opportunity props at Kylan Barn located at 30603 Dusty Lane in Heron Ponds, Delmar, MD per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Mr. Hughes was provided the documentation needed to move forward to the Maryland Board of Zoning Appeals.

Chris Brown- Ryan Homes- New Home Style- “Roanoke”- 2 story in Heron Ponds, Delmar, MD

After reviewing the documentation presented and hearing no questions, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for the new home-style “Roanoke” 2 story to be used as an approved home-style in Heron Ponds, per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Build- Home-Style “Sienna” 2-story, elevation “A” on Lot 127, located at 30738 Hawks Way, Heron Ponds, Delmar, MD

After reviewing the documentation presented and hearing no questions, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home-style “Sienna” 2 story, “A” elevation to be built on Lot 127 located at 30738 Hawks Way in Heron Ponds, Delmar, MD per the attached drawings. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Build- Home-Style “Ballenger” 2-story, elevation “A” on Lot 140, located at 30695 Spoonbill Court, Heron Ponds, Delmar, MD

After reviewing the documentation presented and hearing no questions, Deputy Mayor Unsell made a motion to accept the favorable recommendation from the Planning and Zoning Commission for home-style “Ballenger” 2 story, “A” elevation to be built on Lot 140 located at 30695 Spoonbill Court in Heron Ponds, Delmar, MD per the attached drawings. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Build- Home-Style “Roanoke” 2-story, elevation “L” on Lot 165, located at TBD Bobwhite Drive, Heron Ponds, Delmar, MD

The petitioner, Chris Brown, withdrew the application stating that the funding for this build did not go through.

### **Town Manager Report**

Town Manager Bynum-King reminded the Maryland Officials that Little League Opening Day Ceremonies will take place this Saturday, April 13<sup>th</sup>. The parade starts at the High School and ends up at the ball field on Walnut Street. The Clerk of Council has sent out an email to all the Officials to gather the number of Officials planning on attending the Parade so the Director of Public Works can get the transportation ready.

The yearly Maryland Spring Clean-Up will take place next week on Tuesday and Wednesday, April 16<sup>th</sup> and 17<sup>th</sup>. Pick up for residents will not occur on both days. Any resident who wishes to participate in the Spring Clean-Up should contact Town Hall and get their name and address on the list. The deadline is this Wednesday.

There will be personalized certified training on CPR and the AED in this building next Thursday. Some of our personnel received training and their certifications last year.

The Town Office will be closed on Friday, April 19<sup>th</sup> in observance of Good Friday. The First Reading of the proposed FY '20 budget will be held at the Joint Council meeting on Monday, April 29<sup>th</sup> at 6:30 p.m.

### **Commission Comments**

Deputy Mayor Unsell welcomed Commissioner Lenox to the Commission.

### **Adjournment into Executive Session**

Hearing no public comments, Commissioner Scholl made a motion to go into Executive Session. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Those present during the Executive Session were as follows: Mayor Karen Wells, Deputy Mayor Lloyd Unsell,

Commissioner Donnie Scholl, Commissioner Torlondo Tucker, Commissioner Jack Lenox, Town Manager Sara Bynum-King and Robert Benson, Town Attorney. Town Manager Bynum-King inquired of the Mayor and Commissioners if there had been any further thought or consideration to the guidance provided by Legal Counsel last month. Mayor Wells brought Deputy Mayor Unsell up to speed with everything that occurred, since he was out of Town on vacation last month. There was some discussion on the matter at hand. Mayor Wells called for a motion to return to regular session. The motion was made by Commissioner Scholl and seconded by Deputy Mayor Unsell.

It was the consensus of the Mayor and Commissioners for Town Manager Bynum-King to maintain the recommendation from Legal Counsel.

Commissioner Tucker made a motion to adjourn and was seconded by Commissioner Lenox. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher  
Clerk of Council