

MAYOR & COMMISSIONERS

January 13, 2020

Mayor Wells called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. on Monday, January 13, 2020. In attendance were Mayor Wells, Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox, Town Manager Bynum-King, Clerk of Council Cindy Fisher, Police Chief Barkley and Town Attorney Benson. Guests: John McClellan, Greg Ferrier and Doug Marshall.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Public Hearing-

Mayor Wells read Ordinance 744- The rezoning of property located on the south side of Route 54 in Heron Ponds Subdivision known as Lots 252-265 on Tax Map 12 from Residential R-4 to Highway/Regional Commercial.

Commissioner Scholl made a motion to open the meeting to Public Comments. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Petitioner Doug Marshall stated that Kylan Barn was built in late 2017 in Heron Ponds. Mr. Marshall was thinking to either extend the Ryan Home project or do something similar to Kylan Barn. He has decided to build another wedding venue on the remaining lands of Heron Ponds. Kylan Barn held 88 events this year with approximately a total of 9,800 people attending those events. This has clearly changed the landscape of the area. Mr. Marshall said that he has held some home-owners association meetings in reference to the proposed second wedding venue and the home-owners are in favor. The original phase was R-2. Kylan Barn is the change in the neighborhood that should be considered the deciding factor in the zoning change. The new venue will be a greenhouse concept. It has to go back through Planning and Zoning for that concept. Both the amphitheater and Kylan Barn is zoned Highway Commercial.

Planning and Zoning was in favor of this with restrictions to remove the single parcels already slated for single family housing; which has been provided by Mr. Marshall.

The new proposed wedding venue will accommodate 250 people and will have more glass and be in the back of the woods. There will be lots of glass in this structure and they will build berms between this venue and the residential portion. There will also be plantings in the spring. Mr. Marshall stated that he lives about 300-400 feet of the property.

Town Attorney Benson informed the Commission that the issue is whether there has been a change in the neighborhood. The Commission is not obligated to change the zoning. He also stated that the time this development was originally zoned residential, Kylan Barn did not exist.

Deputy Mayor Unsell made a motion to close the public comment portion of this Public Hearing. Commissioner Lenox seconded the motion which passed with 5 ayes and 0 absent.

Commissioner Scholl made a motion to adopt Ordinance 744 as read. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

Mayors Comments-

Mayor Wells stated that she received a letter from the County inviting the Town to their quarterly work sessions. Mayor Wells thinks this would be a good idea to have and attend. The consensus of the Commissioners is that they agreed with Mayor Wells. Mayor Wells asked the Town Manager to contact Laura Hurley to inform her that the Town would like to participate and to see if a schedule can be provided so the Elected Officials can plan ahead.

Mayor Wells said that she also received a letter from the Guidance Office from the High School in reference to their annual Career College Day. She feels that the Towns attendance bridges the relationship with the School. The Career Day is planned for Monday, February 24th. Town Manager Bynum-King said that the Clerks in the office had attended a few years ago and found that not many high school age kids were interested in a municipal career. Mayor Wells said that she will speak with Mrs. Preston from the school along with Mayor Houlihan.

Approval of Minutes

Commissioner Tucker made a motion for approval of the December, 2019 minutes as circulated. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

New Business

Resolution 2020-01- Amend section DC 7-4 of the Delmar Charter regarding the authorization of the Delmar Police Department to Collectively Bargain.

Town Attorney Benson read Resolution 2020-01 in its entirety. Town Attorney Benson stated that the only change in the wording of the Resolution is changing it from making it a mandatory requirement for the Maryland Commissioners to them being allowed to do it.

Delmar is a joint Town as in the Unification Agreement, Delmar, MD and Delmar, DE has an arrangement that both sides provide unified police department. Delmar, Maryland authorized collective bargaining in 2008. It was understood during that time that Delmar, DE would also be required to collective bargaining. To date, they have not. Unless both sides decide on collective bargaining, it is an unworkable situation. Delmar, Maryland provides 60% of the funding and Delmar, DE provides 40%. Until both sides agree to go forward, then one side cannot do it by themselves.

Town Attorney Benson said that if this Resolution is adopted, it doesn't change the ability for the Officers to be allowed to Collective Bargain. If the Commissioners adopt the Resolution this evening, it will have to be advertised in the newspaper of general circulation 4 times, at weekly intervals and be posted in Town Hall over a period of 40 days for public review. Following the review period, without any opposition, it will take effect in fifty (50) days subject to the tight of referendum as described in the Resolution.

Deputy Mayor Unsell made a motion to adopt Resolution 2020-01. Commissioner Tucker seconded the motion which passed with 5 ayes and 0 absent.

Student Advisory Report

It was reported that they have been doing mid-term preps. The school is closed on Monday, January 20th and on Tuesday, they start exams, with two each day. Report cards will be distributed on the 21st. On February 1st, there will be a fundraiser event, with a Princess Tea Party.

Police Chief's Report

Chief Barkley thanked the Elected Officials for their extended holiday leave. Since his last report, the Town has lost 2 of its citizens. A pedestrian accident on route 13 by the hotel. The second death was an overdose situation. But the overdose was not of heroin, it was from Spice, a synthetic marijuana. He continued by stating that last week there was a shooting in Yorkshire Estates. The investigation is continuing and the Delaware State Police is assisting.

Chief Barkley said that he has an Officer on light duty. A young female student with some emotional problems kicked the Officer in the knee at the high school. It resulted in a sprained knee and the Officer will be out on a short absence.

He said that his office dealt with a situation of one resident complaining that someone had taken her cats and she saw them for sale on the internet. That someone was the neighbors and the cats are now in Crisfield.

Parks and Recreation Report

Mayor Wells reported that there was not a meeting this past month.

Code Enforcement Officers Report

Mayor Wells informed everyone that the report is included within their mail packets.

Utility Commission Report

Deputy Mayor Unsell reported that there were some issues discovered after the completion of the Grove Street Water Main Project. The contractors and the Town Engineers should be back within a week to perform assessments of the connections. He also reported that there is a new Superintendent of Waste Water and he is in the middle of correcting at least 11 violations.

Public Works Report

Mayor Wells informed everyone that the report is included within the mail packets.

Planning & Zoning Report

Commissioner Scholl reported on the following:

Doug Marshall- Request for tiki bar, patio and pergola on Lot 65 in Heron Ponds, Delmar, MD

Commissioner Scholl stated that Planning and Zoning gave a favorable recommendation with contingencies that a certified site plan be provided showing the set-backs for the pergola. They have been provided for this meeting.

Mr. Marshall explained that this house is the one he moved from RT. 13. The front porch did not survive the move. He is replacing what was the front porch to a pergola. He stated that Lot 65 is a private residence, his residence.

Upon looking at the revised set-backs, Commissioner Lennox made a motion to approve the favorable

recommendation from the Planning and Zoning Commission for a tiki bar, patio and pergola to be built on Lot 65 in Heron Ponds, per the attached drawings. Deputy Mayor Unsell seconded the motion which passed with 5 ayes and 0 absent.

John McClellan- Request for additional permitted uses in Light Industrial District

Mr. McClellan stated that he is here representing the property owner, Greg Ferrier. The property used to be known as the G&M Sales building on RT. 13. He stated that until G&M Sales moved, it was a mixed use complex. The property was annexed into Town in 1998 as Community Business and for whatever reason is now zoned Light Industrial.

All Mobility Solutions is the business in the front of the complex and they sell accessories for vehicles to make them for handicap compatible. The work is being done at the Car Store in Salisbury. They decided that it would be better financially if all the work was done in the one location here in Delmar. When they went to get their dealers license so they can sell the vans as well, they were informed that the location they are at is not zoned for car dealerships.

Mr. McClellan requested from the Planning and Zoning Commission to add text amendment to allow the sale of vehicles to the Light Industrial Zoning district for those businesses that sit on a dual highway. They were looking at various zones to see which would be more practical if they would want to rezone the property and they thought Community Business would work the best. He said in the Light Industrial zone, it allows for the sale of farm equipment but not the sale of vehicles.

Mayor Wells said that she remembers Mr. Johnson, the owner of All Mobility Solutions being here and he did not express any interest in the selling of vehicles, which she found odd at the time.

Town Manager Bynum-King said that the Town is trying to figure out how the zoning changed from Community Business to Light Industrial. Nothing can be identified when that change happened or why. She stated that she reviewed the annexation paperwork and did not see an Annexation Agreement which would have identified it started as Community Business.

There was conversation back and forth on which avenue to take and the advantage and disadvantages of each. Adding an amendment to change the zoning wording or change the zoning for the property.

Mr. McClellan and Mr. Ferrier made the decision that they would withdraw their request this evening and go before the Planning and Zoning Commission and ask for a change in zoning.

Town Manager Report

Town Manager Bynum-King said that she is currently working with General Codes for the updating of the Town Ordinances and Resolutions along with the zoning codes. This will be a multi-year process and will help get the zoning code updated and comprehensive plan. They are a team of professionals that go through codes and ordinances looking for ones that are obsolete and they address new terminology and definitions. They can provide the Town with a quote and she will multi-year it out. She is not sure how long the task will take. It will be a process but will be well worth the investment.

The Town Manager passed out the upcoming budget schedule. The first budget workshop is scheduled for Wednesday, February 26th. She stated that she is working with the Department Heads on their 5 year plans. The

biggest impact will be through Utility. There will be a lot of necessary upgrades to the Waste Water plant.

She stated that Delmarva Power has finished the LED lighting on Bi-State Blvd. Now all of State Street and Bi-State Blvd. have LED lighting. They will now be working on the major streets going east and west.

Commission Comments

Commissioner Lennox asked the Town Manager about doing codification of the ordinances. The Town Manager responded that she has just started the process, but would have more details once she receives the proposal from General Codes.

Deputy Mayor Unsell informed everyone that he will not be able to attend the April 1st budget workshop.

Commissioner Tucker reminded everyone how important it is to wear light colored clothing when riding bikes at night.

Adjournment

Commissioner Scholl made a motion for adjournment which was seconded by Commissioner Tucker. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher
Clerk of Council