

**MAYOR & COMMISSIONERS**  
**October 12, 2020**  
**Via Teleconference**

Mayor Wells called the regular scheduled meeting of the Mayor and Commissioners of Delmar, Maryland to order at 7:00 P.M. Due to COVID-19, the meeting is being held via teleconference. In attendance were Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox. Town Manager Bynum-King, Police Chief Barkley, Clerk of Council and Robert Benson Town Attorney. Guest: Mike Hovarth, Bobby Ringgold, Chris Brown, Faisal Farooq, Bill Houlihan, Doug Marshall and Christine Park.

Mayor Wells performed the Pledge of Allegiance followed by a roll call to confirm there was a quorum. A quorum was established.

**Mayor's Comments**

There were no comments from the Mayor.

**Approval of Minutes**

Mayor Wells called for a motion to approved the September 14, 2020 minutes as circulated. The motion was made, seconded, (Unsell/Scholl) and carried with a roll call vote of 4 Ayes 1 Abstain (Tucker).

**Unfinished Business**

None.

**New Business**

Halloween Resolution: A motion to approve Halloween Resolution 2020-10-12. A motion was made/seconded (Tucker/Unsell) and carried with a roll call vote count: 5 Ayes.

Resolution 2020-10-1 Marshall Annexation: Mr. Benson stated if the annexation Resolution was passed on the first reading it would be published as requested by law and come back for a public hearing on a date to be determined. We have to provide notice to Wicomico County Planning Commission as well as the Maryland Department of Planning for a 30-day review and comment period. The current zoning in the county is different than the proposed zoning in the Town of Delmar. The annexation would likely go before the Wicomico County Planning Commission to get approved for zoning change. He added upon receiving comments back from the State and the County, the earliest a public hearing could be held is December or January.

Mayor Wells called for a motion to approve Resolution 2020-10-1. A motion was made/seconded

(Lenox/Unsell) and carried with a roll call vote count: 5 Ayes.

## **Committee Reports:**

### Student Advisory-

Ms. Parks reported: 1.) Students at Delmar High School are still online learning. The school is planning to start hybrid learning systems later this year or early 2021. Students were given the option of choosing hybrid or online learning. 2.) There are plans to start fall sports in late October. 3.) The marching band is preparing to play at football games along with the cheerleaders. 4.) Clubs such as the National Honor Society are beginning to meet online.

Mayor Wells said she thought the first term ended November. She asked Ms. Park did she think it would be November. Ms. Parks replied yes. Mayor Wells thanked Ms. Parks for the report.

### Police Chief's Report

Chief Barkley reported as follows: 1.) The end of last month a suspect was successfully apprehended for break-ins. 2.) A Walk for Justice at State Street Park was successful. 3.) The prayer walk by St. Stephen's Church was successful. 4.) Requests have been made for assistance for the sporting events at Delmar High School. The school will have their regulations for all spectators entering the school. Officers will be present to enforce regulations mandated by the Governor's Office. 5.) We assisted the Sherriff's Dept. with a search warrant which was successful. 6.) The 4<sup>th</sup> Annual Golf Tournament was successful. 7.) Door-to-Door Delmarva Power Solicitors were asked to cease and desist until they retained the proper permits. 8.) Additional staff is secured for Halloween as a precaution.

### Parks and Recreation – No Report

Code Enforcement Officer Report - The report is included in the mail packets.

### Utility Commission

Deputy Mayor Unsell Reported as follows: The Sewer Main Replacement Project has been quoted at 1.3 million dollars. The project received 2 RFQ's and appears DBF was best qualified and will get the project. The project will start late spring or early summer of 2021.

WWTP filter screen is now functioning after 7 years inactive. Superintendent, Frank Daniels, reprogrammed the software and now the screen is fully functioning.

Public Works – The report is included in the mail packets.

### Planning & Zoning

Commissioner Scholl reported as follows:

1. **Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 292, 9544 Song Sparrow Circle, Delmar, MD**-Representative Chris Brown presented a new home build as referenced. Mayor Wells asked are these new plans. Ms. Brown replied they built these in the old development as well. Commissioner Scholl added we did approve some new house designs but this is one of the originals.

A motion for favorable recommendation to the Mayor and Commissioners to accept the approval of New Home Build-Chris Brown/Ryan Homes Heron Ponds Subdivision - Lot 292, 9544 Song Sparrow Circle, Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commissioners to accept the approval of - New Home Build Chris Brown/Ryan Homes - Heron Ponds Subdivision-Lot 292, 9544 Song Sparrow Circle, Delmar, MD, per attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

2. **Julie or Bobby Ringgold - New Home Build-101 W. Elizabeth Street, Lot 4, Delmar, MD** - Mr. Ringgold presented new home build. Commissioner Scholl said they have done a home very similar to this build. Mr. Ringgold confirmed on Lot 1 three houses down opposite corners of the block he built a similar home.

A motion for favorable recommendation to the Mayor and Commissioners to accept the approval of - New Home Build Julie or Bobby Ringgold - 101 W. Elizabeth Street, Lot 4, Delmar, MD, per the attached drawings except for the home will have no garage.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation to the Mayor and Commissioners for New Home Build -101 W. Elizabeth Street, Lot 4, Delmar, MD, per the attached drawings. The motion was made and seconded (Lenox/Tucker) and carried by roll call vote with 5 ayes.

3. **Faisal Farooq/Delmar Market - New Sign proposal at 403 S. Bi-State Blvd., Delmar, MD** - Mr. Farooq proposed new signage. He said he is changing the sign for a better appearance of his business and to display the new name. Also, he informed the Commissioners he is going to change the gas price signage to a digital sign. He added changing the current gas price sign manually is a safety hazard for his employees and him. Mayor Wells asked if the new signs would be the same size or will he need bigger signs? Mr. Farooq replied the same size.

A motion for favorable recommendation to the Mayor and Commissioners to accept the approval of Mr. Farooq's proposal for the New Signs - 403 S. Bi-State Blvd., Delmar, MD, per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation to the Mayor and Commissioners for New Signs proposal, 403 S. Bi-State Blvd., Delmar, MD, per the attached drawings. The motion was made and seconded (Wells/Unsell) and carried by roll call vote with 5 Ayes.

4. **CIMA Network-Signage permit to replace Rite Aid signs located at 1301 E. State Road, Delmar, MD** - CIMA Representative Mike Hovarth proposed new signage. Mr. Hovarth explained Rite Aid has a new branded logo. He described replacing the old signage with the new branded logo. It's a free-standing sign of the same size but the logo is slightly smaller. The recommendation from the Planning and Zoning Commission member Rochelle Outten for a no left turn sign has been added to our package. Commissioner Scholl described on the map to the other Commissioners where the sign would be placed.

A motion for a favorable recommendation to the Mayor and Commissioners to accept the approval of CIMA Network's request for Signage permit to replace Rite Aid signs located at 1301 E. State Street Road, Delmar, MD per the attached drawings with the addition of a sign No Left Turn placed near E51 on the drawing.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation for-Signage permit to replace Rite Aid signs located at 1301 E. State Road, Delmar, MD, per attached drawings. The motion was made and seconded (Tucker/Unsell) and carried by roll call vote with 5 Ayes.

5. **Bill Houlihan and Vernon Esham-Subdivision of Parcel 37 and Approval of office/showroom-30342 Foskey Lane, Delmar, MD** - Mr. Houlihan proposed to subdivide Parcel 37 and construct a model home for an office/showroom. The property consists of 1.75 acres. Mr. Esham would like to build a model home there. We would like to subdivide roughly 1/3 of an acre from the 1.75 acres. I operated a model home from 1991-2008. Commissioner Scholl said for clarification the model home will not be used to build other homes at this location. This is going to be a model home where people will come in and look at it and Mr. Esham will help his clients find lots all around the county and surrounding areas. Mr. Houlihan replied that is correct. Commissioner Unsell asked is this a prefab home. Mr. Houlihan responded no Mr. Esham is going to build a home onsite completely.

A motion for favorable recommendation to the Mayor and Commissioners to accept the approval Mr. Houlihan and Mr. Esham-Sub-divide Parcel 37 and approval of office showroom-30342, Foskey Lane, Delmar, MD per the attached drawings.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation for-Bill Houlihan and Vernon Esham Subdivision of Parcel 37 and Approval of office/showroom-30342 Foskey Lane, Delmar, MD, per the attached drawings. The motion was made/seconded (Lenox/Tucker) and carried by roll call vote 5 Ayes.

## **Town Manager's Report**

Town Mgr. Bynum-King reported as follows: 1.). Ms. Pat Peterson is resigning from her position

from the Parks and Recreation Council. She stated personal circumstances dictated her reasoning for vacating her position. 2.) A prayer event is scheduled on October 24, 2020 supporting law enforcement officers between the hours of 3 p.m.-5 p.m. The participants are gathering at State Street Park. They are still in the process of getting law enforcement officers to come and join the organization for their time of prayer. 3.) Another softball tournament is scheduled for October 24, 2020 and October 25, 2020 in the Mason Dixon Park. All four fields are going to be occupied at that time. 4.) On September 30, 2020 Town Mgr. Bynum-King had a meeting with Mr. Steve Miller and Mr. Chuck Rousseau regarding the Mason Dixon Park lease agreement. CDC Hardin accompanied her to the meeting for the initial drafting to establish the new terms and conditions for our new agreement. She did mention to Mr. Miller the agreement should be a shorter term. The county did purchase lands adjacent from the Elementary School that abuts Gordy Park which will be included in the new agreement. In addition, Mr. Miller mentioned he would like to expand the agreement to include: The Town, Little League, Board of Education and the County. Town Mgr. Bynum-King said she mentioned if the agreement has all of the parties included it will be unclear to determine who has authority to make decisions pertaining the park. She further suggested that this body will have to have further discussion on the matter because, the park is costing the Town money to maintain it without any financial benefits. The monthly electric bill is significantly higher than what we are bringing, mainly because the field lights are older and need to be upgraded to LED lights. She also mentioned that coordinating, scheduling and following the schedule of games and practices is difficult administratively. She concluded that the meeting on September 30<sup>th</sup> was the first of, just to get us talking and thinking about the agreement moving forward. The Town will work with the County on drafting an agreement that will work for all parties involved. 5.) A resident in Woodcreek is asking if the Town would consider raising the height of the speed bumps along Executive Club Drive. Town Mgr. Bynum-King suggested the resident get some input from the HOA. Mayor Wells agreed. Commissioner Unsell questioned if the resident said where she wanted the additional speed bump. Town Mgr. Bynum-King responded at the entrance leading onto Executive Club Drive from the main entrance. Commissioner Lenox said there has been previous history of people driving very fast. He added, it's very noticeable; a speed bump may not be the answer but he can understand the frustration. Mayor Wells asked Commissioner Lenox if this is the road off of Bi-State. He confirmed. Deputy Mayor Unsell agreed that this issue should be referred to the HOA. Commissioner Lenox offered the name of Laura Dohoney as the contact for the HOA. Town Mgr. Bynum-King said she had the contact information for Ms. Dohoney.

### **Council Comments**

Deputy Mayor Unsell said a Ryan Homes model in Woodcreek will open next Friday October 16, 2020 for VIP visitors and open to the public on October 17, 2020. The model is Allegany style with the garage on the left and an entrance door on the right.

Commissioner Scholl said he is ready to have a normal Town Council meeting again. Mayor Wells said there was some concern with the DE Council that COVID cases were on the rise. We thought we should not meet and wait for the first of the year to reconsider. She further said Town Mgr. Bynum-King went through the large conference room and there was not a lot of room after applying the safety guidelines. Town Mgr. Bynum-King said yes that is correct. Deputy Mayor Unsell said the week before numbers are increasing, Wicomico County had 108 new cases.

**Public Comments: -**

Ms. Cassandra Williams mentioned Halloween. Mayor Wells mentioned at the very beginning of the meeting there was a resolution read. The Town will have Trick-or-Treat on October 31, 2020 between the hours of 6:00 p.m.-8:00 p.m. p.m. If you would like to participate as a Trick-or-Treater, we want everybody to maintain social distancing, wear a mask. If you do not want to give out candy leave your lights off. Ms. Williams replied okay.

**Adjournment**

Having heard no other comments, a motion to adjourn was made and seconded (Unsell/Scholl) and carried by a roll call vote of 5 Ayes.

Submitted by:

Clerk of Council