

MAYOR & COMMISSIONERS
September 14, 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, and Lenox. Key Personnel: Town Manager Bynum-King, Police Chief Barkley, Clerk of Council Vondell Spencer. Guest: Paul Patel, Richard Hurchalla, Sr., Sadhak Gonzales, Kenneth Shockley and Chris Brown. Absent: Commissioner Tucker.

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

Mayor's Comments

Mayor Wells said she put an inquiry on Facebook to the residents to get feedback about Trick-or-Treat. There was some interest from-residents about maybe finding a location to have Trunk-or-Treat. She said she wasn't opposed if an outside organization wanted to get involved with Trunk-or-Treat then the Town could point children in the right direction. She further said a decision will be needed for the resolution next month. Mayor Wells asked Town Manager Bynum-King if the Delaware Council had any discussion on Trick or Treat. Town Mgr. Bynum-King replied, no they did not discuss at their meeting.

Deputy Mayor Unsell concurs with Mayor Wells, that the government should not continue micromanaging Halloween. Mayor Wells added that if residents don't want to hand out candy they shouldn't and if they do want to hand out candy they should. Mayor Wells questioned if the Commissioners wanted to discuss Halloween now, next month or play it by ear for the resolution? Deputy Mayor Unsell explained we should announce Halloween on Facebook October 31, 2020 from 6 p.m.-8 p.m. Those who feel vulnerable can put a bowl of candy on the front porch with the light on and maintain social distancing. The children can enjoy Halloween as usual. He added people can wear a mask when they open the door for the children. Mayor Wells and Commissioner Lenox agreed with Deputy Mayor Unsell. Commissioner Lenox added that the home owners and parents should make the choice. Mayor Wells agreed. Commissioner Scholl added he believed that people are going distribute candy regardless to what is decided by resolution.

Mayor Wells mentioned to Town Manager Bynum-King that if Delaware Council asks about what the Maryland Commissioners decided, we do not want to cancel Halloween (trick-or-treat). Town Manager Bynum-King responded that's great and she would convey Maryland's position to the Delaware Council.

Approval of Minutes

A motion was made, seconded, (Unsell/Lenox) and carried to approve the minutes from July 2020

as circulated by roll call vote of 3 Ayes, 1 Absent Tucker, and 1 Abstain Scholl.

A motion was made, seconded, (Scholl/Unsell) and carried to approve the minutes from August 2020 as circulated by roll call vote of 4 Ayes and 1 Absent (Tucker).

Unfinished Business

Town Manager Bynum-King referenced the caboose. She said she followed-up with the contractor and he have the cedar for Phase 1 of the project which includes the cupola and that should be completed within the next three to four weeks. Mayor Wells questioned if Phase 1 also includes is the sides? Town Manager Bynum-King replied no, Phase 1 is the roof and weather proofing the caboose.

New Business-Proposed-Annexation Petition/Highway Regional/Old Country Store

Conversion-30503 E. Line Road, Delmar, MD-Mayor Wells inquired if Mr. Marshall was on the call and Town Mgr. Bynum-King replied he was not. She further explained this annexation petition item was added to the agenda to get input from the Mayor and Commissioners to determine if in fact this is an annexation that the body is interested in and the proposed use for that site. The petitioner is requesting that the proposed annexed property be zoned as highway regional. Town Mgr. Bynum-King advised that Mr. Doug Marshall is looking to convert the old country store into a 10-room motel. She further said this property abuts the Heron Ponds subdivision in close proximity to the Kylan Barn. She further explained this request came before the Town as a proposal to annex and if the body is interested, we will proceed with the first reading in the month of October. She advised there are some other technical components that we have to satisfy if it is decided to proceed with the annexation. We will need to secure a waiver from Wicomico County because what is being requested is highway regional and the current zoning is Agricultural in the County, the zoning classifications are significantly different. The Towns future land use in our Comp Plan has that proposed annexed property identified as residential. Mayor and Commissioners would need to give a consensus of they wanted to move this annexation request to the next process

Mayor Wells inquired if the 10-room hotel is exclusively for bridal guest or rented to anyone. She wanted to know if the motel could it be rented to a business person because once the hotel is open for business it could be rented to anyone? Town Manager Bynum-King replied believe that she couldn't imagine it being any other way. Commissioner Scholl said he didn't believe it would be operating any other way. He doesn't see that there is a way they could have an exclusion. He said it could only be used for Kaylen Barnes, however at this point we have to assume that it's just going to be open to anybody. Mayor Wells inquired it the hotel would be long-term or changed into an apartment complex? Town Manager Bynum-King replied no.

Commissioner Lenox requested Town Manager Bynum-King for guidance. He said we are restricting this to Mr. Marshall's current idea. If we do annex the property and it becomes commercial it can be developed for any use that's allowed under commercial. Town Manager replied that would be correct. Commissioner Lenox said if we annex the property with some sort of commercial designation he is not restricted to a motel. It would be open as it were to all of the commercial uses allowed in that district. Town Manager Bynum-king replied yes that is correct.

Commissioner Lenox said he had no opinion about a motel, it's just when we do come to look at this, we are looking at the district language and the zoning code. We all have to understand that the door will be open a little more widely than just to a motel. Commissioner Lenox questioned Town Manager Bynum-King if this is all of the property that Mr. Marshall owns? Town Manager Bynum-King described the area to be considered for annexation is 6.2 acres of land. I believe that encompasses the country barn store and the house that sits on the parcel. Commissioner Lenox said okay he wanted to confirm if Mr. Marshall was just taking part of his property but we are assuming for this discussion going forward it will be the entire parcel. Town Manager Bynum-King added as we go through the annexation process if there's anything different, we can certainly discuss the differences before any formal decisions are made. This is a preliminary review of what is being proposed.

Commissioner Lenox inquired if he understood a comment made about the Town's Comprehension Plan needing to be amended, so that would go before Planning and Zoning to get their input before it comes back to us? Town Manager Bynum-King said that would be correct if the amendment was required. The Comp plan at this point does not need to be amended this property is currently identified in our future land use and in our water and sewer plan. She further mentioned that the difference is the zoning classification between the county and the Town.

Town Manager Bynum-King added if State Planning recommends the Town to do an amendment to the Plan, we will consider the amendment at that time. Commissioner Lenox replied okay. Mayor Wells inquired who suggested that property to be residential in the Comp Plan? Town Manager Bynum-King said the Planning Commissioner and consultant because the area that is adjacent to it is all residential before Mr. Marshall came in and changed zoning classification on part of that subdivision. The parcel that he is looking to annex had a house on the front of the property and a store to the rear of the property. Commissioner Lenox added that our circumstances have changed and I think the commercial direction is probably best but I know we have to go through the process. Town Manager Bynum-King said yes absolutely.

Mayor Wells said if he's just looking for a consensus from the Commissioners if we are interested in the annexation, is that correct? Town Manager Bynum-King said that's the purpose of tonight to move the process forward if this body is interested in annexing the parcel of land. Mayor Wells asked the Commissioners if they had any questions. Commissioner Lenox said he supports moving forward with the annexation. He would really like to pay attention to the details that we spoke about regarding the zoning and land use. But the annexation itself appears to make sense. Commissioner Scholl, Deputy Mayor Unsell, and Mayor Wells also agreed with Commissioner Lenox. The consensus of the Commission was to move forward with the annexation. Town Manager Bynum-King replied she will work with Mr. Benson to prepare for a first reading next month.

Committee Reports:

Student Advisory- No Report.

Police Chief's Report

Chief Barkley reported: 1) It should be noted that during the recent tropical storm the police department handled several storm related calls. Some were very time consuming. 2) As of 8/31/2020 Officer Novak is back in the schools working with the school system. 3) He also noted our crossing guard has found other employment; therefore, we will need a replacement. We did reach out to our former crossing guard who is willing to help out until we can find a replacement before the school reopens. 4) He also reported providing some assistance to Code Enforcement with several force accounts some of which became adversarial but ended well. 5) The Department is preparing for the Walk of Change which is occurring this coming this Sunday 4-6. Chief Barkley reported that he researched the group that has organized the walk and in all of the other protests they have been involved in everything was peaceful. There were no incidents involved. That being said we will still be all hands-on deck to ensure safety for the Town and the participants in the peaceful walk. 6) The Department is also prepping for the St. Stephens' prayer walk which will be held on Saturday September 26, 2020 at 12 p.m. The participants cross over several streets but it should be pretty easy to deal with.

Mayor Wells questioned if the Walk of Change stopped and participants gathered at the end of their walk? Chief Barkley replied the participants are going to start in the park and finish in the park. Town Manager Bynum-King mentioned that the event itself is going to be curtailed to the Delmar, DE, side of Town and as Chief said the Walk of Change is going to be a peaceful walk and they start from State Street Park walk to Bi-State Blvd. then walk to Lincoln to Eighth Street to Grove Street then back to the park from 4-6 p.m. The young lady who is the President of the Out Loud LLC., organization said they would probably be dismissed before 6 p.m. At the conclusion of the walk there will be a few words spoken in the park at the end of the walk prior to dismissal. Mayor Wells questioned the time, Chief Barkley and Town Manager Bynum-King confirmed the timeframe would be between 4-6 p.m. Mayor Wells replied okay, then mentioned for clarification the St Stephens is September 26, 2020 timeframe would be 12-3 p.m. Town Manager Bynum-King added that the Stephen's walk will be in unison with the prayer walk in Washington, DC. They did extend an invitation to anyone that is willing or wanting to participate they should meet at St. Stephens parking lot at noon. Mayor Wells responded okay.

Parks and Recreation – No Report.

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

Utility Commission

Deputy Mayor Unsell explained there was no meeting due to technical difficulties. He asked Town Manager Bynum-King if she had any updates on utilities. Town Manager Bynum-King said she would like to report that the WWTP is still operating within permit. We are waiting to get that screen and the headworks up and running. We are in a very good place as it pertains to the WWTP operations, even with all the rain we can contain the rainwaters within the system without any spills.

Public Works – The report is included in the mail packets. Commissioner Tucker gave an overview of the report as submitted.

Planning & Zoning

1. Paul Patel - Bridgewood Estates Delmar, MD-Combine Lots 55 and 56 for Tax and Construction purposes - Mr. Patel is proposing to combine both Lots 55 and 56 in Bridgewood Estates into one lot and construct a home. Mr. Patel questioned if he was going to have to pay a one-time fee for water and sewer connection? Town Manager Bynum-King replied when he combines the lot and build, he will only have to pay one water and sewer connection. Mr. Patel said what is his next process. Town Manager Bynum-King asked him to let the Commissioners do their motions and he will be able to proceed with his process to get the lots combined. Mr. Patel replied okay.

Commissioner Scholl asked for a motion to accept the Planning and Zoning favorable recommendation to the Mayor and Commissioners for Mr. Paul Patel and Bridgewood Estates combining lots 55 and 56. The motion was made/seconded (Unsell/Lenox) and carried with a roll call vote 4 Ayes-1 Absent (Tucker).

2. Richard Hurchalla, Sr. - New Home Build-Lot 1D Old Stage Road, Delmar, MD - Mr. Hurchalla proposes to build a single-story bungalow and he noted that he built house on 1C, as well. He described the bungalow as 1100 sq. ft., 3 bedrooms, 2 baths, 1 story and a front porch. Commissioner Scholl inquired which lot did the house he built prior to this sit on. Mr. Hurchalla replied Lot 1C next door. Commissioner Scholl asked if this is for block A? Mr. Hurchalla replied yes. Commissioner Scholl asked if Lot B is going to be vacant? Mr. Hurchalla replied yes, he sold the house on Lot 1C and he still own 1D which he is proposing to build a spec house, a bungalow with a front porch.

Commissioner Scholl asked for a motion to accept the Planning and Zoning favorable recommendation to the Mayor and Commissioners to accept Mr. Hurchalla's New Home Build-Lot 1D Old Stage Road, Delmar, MD per the attached drawings. The motion was made/seconded (Lenox/Unsell) and carried with a roll call vote 4 Ayes-1 Absent (Tucker).

3. Sadhak Gonzales - Bridgewood Estates-New Home Build - Lot 58, 9129 Swingbridge Lane, Delmar, MD - Mr. Gonzales is proposing to build a new home which would be a spec house in Bridgewood Estates subdivision on a vacant lot that he owns. Mr. Gonzales explained the new home he will build is a 2,374 sq. ft. two-story house.

Commissioner Scholl asked for a motion to accept the Planning and Zoning favorable recommendation to the Mayor and Commissioners to accept Mr. Gonzales' New Home Build-Lot 58, 9129 Swingbridge Lane, Delmar, MD, per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried with a roll call vote 4 Ayes-1 Absent (Tucker).

4. Kenneth Shockley-Breckenridge Subdivision-Proposed Bedrooms addition, Master Bath and Deck on Lot 27 at 8867 Lynch Drive, Delmar, MD - Mr. Shockley is proposing to add on 2-bedrooms, a master bedroom with bathroom and a deck on the rear of the house. Mayor Wells inquired for clarification if the additions included bedrooms and a master bathroom with bathroom? Mr. Shockley replied yes. Commissioner Lenox inquired to Commissioner Scholl if the Planning Commission review all additions to homes? Commissioner Scholl replied yes, the Planning Commission reviews all additions to anything that changes the footprint of the home.

Commissioner Lenox said this is substantial but I will make a motion to accept the recommendation and to approve.

Commissioner Scholl asked for a motion to accept the Planning and Zoning favorable recommendation to the Mayor and Commissioners to accept Mr. Shockley's additions of 3 bedrooms, master bathroom and a deck on property located at 8867 Lynch Drive, Delmar, MD, per the attached drawings. The motion was made/seconded (Lenox/Unsell) and carried with a roll call vote 4 Ayes-1 Absent (Tucker).

5. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 271, 9571 Song Sparrow Circle, Delmar, MD - Representative Chris Brown from Ryan Homes is proposing a new home build on Lot 271, 9571 Song Sparrow Circle Delmar, MD in the Heron Ponds Subdivision. Deputy Mayor Unsell inquired how many lots are left that Ryan is going to build on? Chris Brown replied there are 36 lots in total. Commissioner Scholl responded that sounds correct. Commissioner Scholl asked for a motion to accept the Planning and Zoning favorable recommendation to the Mayor and Commissioners to accept Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 271, 9571 Song Sparrow Circle, Delmar, MD- per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried with a roll call vote 4 Ayes-1 Absent (Tucker).

6. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build Lot 282, 9533 Song Sparrow Circle, Delmar, MD - Chris Brown said she was that lot. Commissioner Scholl replied okay. Deputy Mayor Unsell mentioned he noticed several of these proposed new build homes are the Roanoke model. Chris Brown replied it's pretty popular. She further replied they are going to have a couple more cancellations this evening. Commissioner Scholl inquired to Town Manager Bynum-King if we are going to have to do anything special with the cancellation. Town Manager Bynum-King replied it's being noted on as part of the formal record.

7. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 284, 9541 Song Sparrow Circle, Delmar, MD- Representative Chris Brown/Ryan Homes is proposing to build a new home on Lot 284, 9541 Song Sparrow Circle, Delmar, MD in Heron Ponds Subdivision.

Commissioner Scholl asked for a motion to accept the Planning and Zoning favorable recommendation to the Mayor and Commissioners to accept Chris Brown/Ryan Homes - Heron Ponds Subdivision- New Home Build-Lot 284, 9541 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Lenox/Unsell) and carried with a roll call vote 4 Ayes-1 Absent (Tucker).

8. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 286, 9516 Song Sparrow Circle, Delmar, MD - Chris Brown/Ryan Homes said she withdrew this new home build.

9. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-289, 9524 Song Sparrow Circle, Delmar, MD-Chris Brown/Ryan Homes said she withdrew this new home

build. Commissioner Scholl inquired why the withdraws? Chris Brown replied either the mortgage did not go through or the sale just canceled.

10. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 293, 9546 Song Sparrow Circle, Delmar, MD- Representative Chris Brown of Ryan Homes is proposing to build a new home on Lot 293, 9546 Song Sparrow Circle, Delmar, MD in Heron Ponds Subdivision.

Commissioner Scholl asked for a motion to accept the Planning and Zoning favorable recommendation to the Mayor and Commissioners to accept Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 293, 9546 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried with a roll call vote 4 Ayes-1 Absent (Tucker).

11. Chris Brown/Ryan Homes-Heron Ponds Subdivision-Review for new Prototype Models (Lehigh and Hudson) Elevations A, B, C, K, L-Commissioner Scholl inquired if these are going to be new models added? Chris Brown replied that is correct.

Commissioner Scholl asked for a motion to accept the Planning and Zoning favorable recommendation to the Mayor and Commissioners to accept Chris Brown/Ryan Homes-Heron Ponds Subdivision-Review for new Prototype Models (Lehigh and Hudson) Elevations A, B, C, K, L, per the attached drawings. The motion was made/seconded (Lenox/Unsell) and carried with a roll call vote 4 Ayes-1 Absent (Tucker).

Town Manager's Report- Town Manager Bynum-King said that she did not have anything additional to add to what she has already reported.

Council Comments

Mayor Wells said she is aware the Board of Zoning and Appeals is meeting in person at the end of this month. She asked how do the Commissioners feel about meeting in person as well in October? The consensus of the Commissioners were open to going back to in person meetings. Deputy Mayor Unsell added if we can social distanced and wear face mask, he agreed. Commissioner Lenox added he was not opposed to in-person meeting, but he wanted to make sure we could still have teleconference available for anyone who are uncomfortable with attending in-person meetings. Town Manager Bynum-King confirmed that we can still access Go To Teleconference Meetings for individuals that do not wish to meet in person. Commissioner Lenox said he thought having the dual option is ideal and he had no problem meeting live. Mayor Wells asked Town Manager Bynum-King if we could be six feet apart at the table in the large conference room? Town Manager Bynum-King replied she will measure the table to make sure we have adequate space. Deputy Mayor Unsell said as long as everybody keeps their mask on like Wicomico County Council when they hold their meetings, we should be fine. Mayor Wells said let's plan on meeting face to face unless the numbers

start spiking. She further said if anyone feels uncomfortable please stay where they are.

Commissioner Scholl said he apologized for missing the Planning and Zoning meeting.

Public Comments: - None.

Adjournment

Mayor Wells called for a motion moved and seconded (Unsell/Scholl) and carried to adjourn with a roll call vote of 4 Ayes 1 Absent.

Submitted by:

Vondell Spencer
Clerk of Council