

MAYOR & COMMISSIONERS
April 12, 2021
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 Commissioners Scholl, Tucker and Lenox. Town Manager Sara Bynum-King, Police Chief Ivan Barkley, Town Attorney Mr. Benson, Clerk Donna James. Guest: Dorie Simpler, Marilyn Lynch (Parker & Associates) Chris Brown. Absent: Deputy Mayor Unsell

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 – The proclamation of fair housing was introduced, an announcement was made to declare April 2021 as Fair Housing month for the Town of Delmar.

Approval of Minutes

A motion was made/seconded (Lenox/Scholl) and carried to approve the March 1, 2021 minutes as circulated by roll call vote of 4 Ayes 1 Absent.

Unfinished Business-

1. The Final Draft MOU Review between the County, Town & Little League at Mason Dixon Park

Town Mgr. Bynum-King stated she and Community Development Coordinator William Hardin have been working with Steve Miller and Rodger Waters for several months on this project. The county asked to expand the agreement to three parties to include the Little League. She included the agreement in the mail packet and followed with an email that included the red-lined revision from the county's attorney. The town's attorney made revisions as well. (It was acknowledged that the commissioners have received).

She asked if the Commissioners have any changes or concerns.

Mayor Wells clarified to Town Mgr. Bynum-King that she is speaking of any changes or concerns after the revisions from the County and Town's attorneys. That is correct.

Commissioner Lenox inquired if there is anything of substance that they should be aware of in the way of additional responsibilities or any that the town has passed on to another party. Town Mgr. Bynum-King stated for the most part the Town just wants to be real clear about things like who is responsible for the major repairs within the concession stand. The Little League is being added to the MOU so now they will be taking responsibility for specific areas as will the Town. There is also clarification about who maintains the grounds outside of the ballfield areas and the playground areas including the pavilion. The Little League is responsible for everything inside the fence areas and the Town for everything outside the fence.

The Town addressed issues as to when tournaments are being held and the extra work it creates for the Town's Public Works Department. A flat rate fee for the on-call staff member as well as for

additional staff if it required.

Mr. Benson stated he reviewed the agreement and made red line changes, which were incorporated, the County Attorney sent it back with changes “more form over substance” to simply clarified things. The only red line change they did not incorporate was to correct the name, the correct corporate name is the Mayor and Commissioners of Delmar he redlined that today. The agreement is essentially the same as it was presented by the County 7-10 days ago.

Mayor Wells stated that there have been complaints about the bathroom. Town Mgr. Bynum-King stated that the bathrooms have been de-winterized and prepped for opening day. Mayor Wells has concerns about the league wanting the bathrooms open before we typically open them for the season. Town Mgr. Bynum-King stated the issues they have had in the past are more in the Fall when tournaments are ongoing. That is something we incorporate in the agreement to communicate the dates and times in as much advance notice as possible.

Mr. Benson reiterated to Mayor Wells in section 7a the County added language that talks about scheduling, the town will cooperate with the county but the county shall be responsible for clean restrooms and removing trash for County sponsored public recreation programs.

A motion was made/seconded to accept the MOU for Mason Dixon Park, County Parks and Recreation, The Town and Little League (Scholl/Lenox) and carried by a roll call vote 4 Ayes 1 Absent.

Public Hearing-Marshall Annexation 30503 South Side of East Line Rd Delmar, MD

A motion was made/seconded to enter the public hearing (Tucker /Scholl) carried by roll call 4 Ayes 1 Absent.

Town Attorney Benson stated we are here tonight in regards to Resolution # 2020-10-1 which was introduced in October of 2020 and was passed at first reading. It was delayed because annexation resolutions are required to present to the Maryland Department of Planning and then presented to Wicomico County. The County approved the annexation with the change in zoning. The property owner petitioned the Town to annex the property, the Town went through the certification process to ensure the property was owned and there was a necessary percentage of owners. Mr. Benson read the annexation (included in the packet). This resolution will take effect in 45 days. The property description is in exhibit A. The terms and conditions are that the property will be subject to town taxes and provided normal town services. If the property is annexed in, it will be zoned Highway Regional Commercial. No public present to speak on the matter.

A motion was made/seconded to close public hearing (Scholl/ Lenox) and carried by a roll call vote 4 Ayes 1 Absent.

No questions from Commissioners.

A motion was made/seconded to pass Resolution # 2020-10-1 (Lenox/Tucker) and carried by a roll call vote 4 Ayes 1 Absent.

New Business – None Reported.

Committee Reports:

Student Advisory- Christine Parks not present- Mayor Wells stated they are planning a prom, dinner and a movie on the football field. Masks must be worn.

Police Chief's Report

Chief Barkley reported as follows: 1.) Increased patrols in specific neighborhoods Yorkshire, Heron Ponds and Woodcreek due to vehicles being broken into.

2.) The department continues to push forward with modified schedules to cover patrolled shifts. They are currently down 3 officers with two vacancies and 1 in the academy. He is expected to complete the academy in June. They also have one officer out due to surgery he is expected back shortly on a limited basis.

3.) The department has passed all of the state audits with flying colors. With the new mandates that were passed last week they are looking into how they are going to transition into those and it will impact next year's budget request.

Mayor Wells asked did they pass the mandated body camera. Chief Barkley replied yes. In regards to the budget it is more than the purchase of the cameras it will also be storage and management of the video which will require a little bit extra. There were additional items added that won't be as easy to maneuver, as the people who passed it, thought it would be on the department.

4.) On Wednesday they will be doing testing for new candidates for the upcoming academy, there are only have 4 applicants.

Mayor Wells asked do you keep the applications open or is there a closing date. Chief Barkley replied there is a closing date. The reason being, there are a lot of things they have to do before the next academy date in July. Such as testing, background investigations, medical and psychological testing.

Commissioner Lenox wanted clarification on the two vacancies, one is following the Esham retirement, what is the second vacancy? Chief Barkley replied that was an existing vacancy in addition to the officer in the academy.

No further questions from the Commissioners

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

Parks and Recreation – No Report.

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

Utility Commission

Deputy Mayor Unsell is not present. Town Mgr. Bynum-King reported she was made aware of a sink hole on Mulligan Way in the Wood Creek subdivision on March 26, 2021. She had the PW

Director contact CES to camera the storm drain and sewer mains in the general vicinity. It was discovered that the developer's contractor bored through the storm drain pipe and two sewer mains one 8" and one 6". She contacted the developer, he stated he was aware of the issue and was trying to get in touch with the contractor for some time to address the problem. The contractor was away on vacation, however upon his return he was on site with town personnel and a representative from the town engineering firm Davis, Bowen & Friedel to devise a plan of action to address the matter. The Town will have an inspector from the engineering firm to oversee the repair. Repairs will begin within a couple of weeks with TK Construction doing the work, they have done other projects for the Town and she is confident in their work. The developer is aware that the Town of Delmar will be recovering all costs that this breach of utilities created, which also includes the cost incurred with CES to televiser the lines and to clean out sewer mains that were full of sand and stone. This situation contributed significantly to the I&I issue because all the water was going straight into the sewer mains that were open.

Planning & Zoning

Commissioner Scholl reported as follows:

1. **Dorie Simpler – Accessory Building (Shed) – 501 Bi-State Blvd., Delmar, MD –**

Planning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – Dorie Simpler – Accessory Building (Pop Warner Shed) – 501 Bi-State Blvd., Delmar, MD.

A motion to accept Planning and Zoning Commission's favorable recommendation was made/seconded (Lenox/Tucker) and carried by roll call vote of 4 Ayes and 1 Absent.

2. **Brock Parker/Parker and Associates – New Home Build – 203 East Elizabeth Street, Delmar, MD –**

Planning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – Brock Parker/Parker and Associates (Marilyn Lynch) – New Home Build – 203 Elizabeth Street, Delmar, MD, per the attached drawings.

A motion to accept Planning and Zoning Commission's favorable recommendation was made/seconded (Wells/Lenox) and carried by roll call vote of 4 Ayes 1 Absent.

3. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – Lot 268, 9579 Song Sparrow Circle, Delmar, MD –**

Planning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Roanoke – Lot 268, 9579 Song Sparrow Circle, Delmar, MD, per the attached drawings.

A motion to accept Planning and Zoning Commission's favorable recommendation was made/seconded (Lenox/Tucker) and carried by roll call vote of 4 Ayes 1 Absent.

4. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 274, 9491 Song Sparrow Circle, Delmar, MD –**

Planning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Aviano – Lot 274, 9491 Song Sparrow Circle, Delmar, MD, per the attached drawings.

A motion to accept Planning and Zoning Commission's favorable recommendation was made/seconded (Tucker/Wells) and carried by roll call vote of 4 Ayes 1 Absent.

5. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 276, 9511 Song Sparrow Circle, Delmar, MD –**

Planning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Aviano – Lot 276, 9511 Song Sparrow Circle, Delmar, MD, per the attached drawings.

A motion to accept Planning and Zoning Commission's favorable recommendation was made/seconded (Lenox/Tucker) and carried by roll call vote of 4 Ayes 1 Absent.

6. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Alberi – Lot 297, 9562 Song Sparrow Circle, Delmar, MD –** Representative Chris Brown withdrew this submittal.

7. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Ballenger – Lot 356, 9337 Mulligan Way, Delmar, MD –**

Planning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Ballenger – Lot 356, 9337 Mulligan Way, Delmar, MD, per the attached drawings.

A motion to accept Planning and Zoning Commission's favorable recommendation was made/seconded (Tucker/ Lenox) and carried by roll call vote of 4 Ayes 1 Absent.

8. **Chris Brown/Ryan – New Home Build – Woodcreek/Bramante – Lot 392, 9352 Mulligan Way, Delmar, MD –**

Planning Commission gave a favorable recommendation to the Mayor and Commissioners for the approval of – Woodcreek/Bramante – Lot 392, 9352 Mulligan Way, Delmar, MD, per the attached drawings.

A motion to accept Planning and Zoning Commission’s favorable recommendation was made/seconded (Lenox/Tucker) and carried by roll call vote of 4 Ayes 1 Absent.

9. Chris Brown/Ryan Homes – New Home Build – Woodcreek/Bramante – Lot 405, 9447 Rolling Green Avenue, Delmar, MD –

Planning Commission gave a favorable recommendation the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Bramante – Lot 405, 9447 Rolling Green Drive, Delmar, MD, per the attached drawings.

A motion to accept Planning and Zoning Commission’s favorable recommendation was made/seconded (Lenox/Tucker) and carried by roll call vote of 4 Ayes 1 Absent.

Town Manager’s Report

Town Manager Bynum reported as follows: 1.) Delmar Maryland Spring Clean-up is advertised and listed on our Facebook and website pages. The dates are April 19th & 20th. We changed the procedure to only one pick-up per location and PW and the administrative staff divided the town into quadrants, Maryland being the Southeast & Southwest. PW will drive through each section to pick up eligible items on the curb. 2.) The Little League parade has been cancelled. They are still having the opening ceremony at Gordy Park, if anyone is interested in being recognized be at the park by 9:30 or 10:00 3.) She is currently working with Chief on a modified MOU for the School Resource Officer, the grant funding for that position has closed and the contract has ended. The new contract/MOU will be for the SRO will be funded equally between Delmar DE and Delmar MD and the Delmar School District.

Council Comments

Commissioners Lenox no comment.

Commissioner Scholl no comment.

Commissioner Tucker no comment

Public Comments: no public comments

Adjournment

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

Submitted by:

Donna James
Clerk II