

MAYOR & COMMISSIONERS
April 11, 2022
MEETING HELD IN-PERSON AND VIA TELECONFERENCE

Mayor Jordan called the regular scheduled meeting of the Mayor and Commissioners of Delmar, Maryland to order at 7:00 P.M. This meeting is available to the public, in person with limited seating and via teleconference. In attendance were Deputy Mayor Lenox, Commissioners Boothe, Shaffer and Unsell. Town Manager Bynum-King, Police Chief Barkley, Clerk of Council Spencer and Robert Benson Town Attorney were in attendance. Guest: Charles Rideout, Sheila Montgomery, Douglas McAllister, Julie Giordano, James Winn, Jessica Hughes, Jerry Yates, Timothy Smith, Dana Wright, Douglas McAllister II, Heidi McAllister, Doug Marshall, Nilesh Patel; teleconference guest: Chris Brown.

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

Mayor's Comments-

Mayor Jordan commented he hoped everyone is well and thanked everyone for attending this meeting.

Mayor Jordan said on behalf of him and the Commissioners thanks for the support and if the attendees need anything feel free to call, text, or contact them through Facebook and they will try to be as available as possible.

Mayor Jordan called Mr. Charles Rideout the owner of the Baptism Trucks located on the highway at the intersection of Rt. 54 and Rt. 13 forward to present his issues. Mr. Rideout explained he was told to stop the amplified system because he needed a permit but there is not a permit for a daily amplified system. He further explained he is not there every day or all night. When he is there, he is only there from 3:00 p.m. to 7:00 p.m.

Mayor Jordan explained the Town does not have a permit in place for an everyday amplifying system. The concern on behalf of the Town is the safety aspect of people being on the highway with an amplified system playing. There is the potential for people not being able to focus on the road because of the distraction.

Mr. Rideout presented Pastor Douglas McAllister, of Delmar Christian Center and Nathaniel Gaines to speak on his behalf.

Deputy Mayor Lenox asked did the amplifying system require a permit. Town Mgr. Bynum-King answered permits are typically for approved scheduled outdoor events with amplified systems or fireworks etc. He further asked what criteria would we apply. He said he would need some guidance on what the criteria is in terms of approval, denial or setting conditions. Town Manager Bynum-King added most outdoor events are scheduled for one day and has been as much as two weeks, i.e., the carnival.

Penny Glasgow commented she commended what Mr. Rideout was trying to do. She stated her concern is the safety at the stoplight. Ms. Glasgow mentioned that, Mr. Rideout said drunk drivers drive over to where he is located. She asked what about the drunk pedestrians trying to cross those four lanes of traffic. She further asked was he aware how many people have been killed trying to cross the four lanes of traffic or coming across from Wawa. Ms. Glasgow inquired if there is a safer area that he could use to avoid those potential tragedies. Mr. Rideout answered it will not matter where he goes people are still going to complain.

Mr. Jerry Yates asked if there is a law against what Mr. Rideout is doing. Mayor Jorden answered there is a noise problem.

Town Attorney Benson read Section III.B of Ordinance 700 (Noise Ordinance). Mr. Benson said that in accordance to the Ordinance, there is no restriction to prohibit him from operating at that location. He added however the amplified sound is to be at a level that should not travel beyond the property where it is set up and therein lies the problem.

Mayor Jorden said moving forward Mr. Rideout is allowed to be in that location with the understanding that the noise level has to be in the direct vicinity of the people on the property, not to distract the people that are driving by or disrupt the people living and conducting business in the surrounding areas of Town. Mr. Rideout agreed.

Mayor Jorden requested that Chief work with Mr. Rideout to reach a volume level that will be contained to the area that the amplified system is set up. Chief agreed to work with Mr. Rideout. Mayor Jorden reiterated that he does not want the volume to go up above the agreed level for any reason.

Approval of Minutes

A motion was made, seconded, (Boothe/Unsell) and carried to approve the March 14, 2022 minutes as circulated by roll call vote of 5 Ayes.

Unfinished Business-

Mayor Jorden said we are trying to iron out the matter with TK Construction to get everyone on the same page.

Commissioner Shaffer inquired if the Fire Department had a chance to approve Ponds Edge II. Town Mgr. Bynum-King replied CDC Hardin did receive review confirmation from someone from the Fire Department, however she was not sure of the name. Commissioner Boothe replied they approved it per Deputy Chief Elliott.

New Business –

Mayor Jorden introduced Doug Marshall. Mr. Marshall said that he was present this evening to seek permission to display fireworks at the Heacock Festival on April 28th. He said the fireworks

show will go on for ten minutes, starts at 9:00 p.m. and will be done by 9:15 p.m. at the latest. The shells are limited to three-inches. The Fire Marshall blessed the fireworks. Commissioner Shaffer asked about the surrounding neighborhood being made aware of the festival and the planned fireworks. Mr. Marshall advised there was going to be notice provided and posted so arrangements could be made for their animals or small children. Commissioner Shaffer asked was that still in play? Mr. Marshall answered yes, we send out a broadcast notice to the HOA's of Yorkshire and Heron Ponds. Commissioner Shaffer said maybe we could put something on the Town's Facebook as well just so everybody is aware.

Mayor Jordan called for a motion to approve Display of Fireworks within the Town of Delmar, Permit #2022-001. A motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

Committee Reports:

Police Chief's Report

Chief Barkley reported as follows: 1.) Currently the PD have 10 officers including the school resource officer and an officer for the DEA Task Force. There is one officer in the academy on schedule to graduate in June. 2.) Today there is a secondary round with the new recruits, and he is looking to put three in the next academy class in July. Chief expressed that they can safely train three new recruits at a time. 3.) Friday, April 8th members of the Delmar PD assisted the Wicomico County Sherriff's Office and Ocean View PD with an executed search and seizure warrant on Elizabeth Street. Both targets of that warrant were arrested. A small number of drugs and paraphilia were seized. 4.) The new website is up. 5.) Body worn cameras have arrived. They are trying to figure placement on the uniforms, making sure our policy is in order and everything we need to get started is in place. 6.) Chief will be in Washington, DC from May 12th thru 15th. Cpl. Heacock's name will be added to the National Memorial.

Chief said he would assist Mr. Rideout in any way he could to establish a good volume level for his amplified sound system.

Mayor Jordan asked what would be the timeframe of getting the body worn cameras functioning for the officers? Chief answered he expects to have cameras on some of the officers this week but we need to work out placement and how to fit them to stay in place on the uniforms.

Chief informed everyone of the vandalism issues at St. Stephens Cemetery around the 12th Street area. He said someone is pushing headstones off of the platforms. Mayor Jordan asked for everyone to keep an eye out for the vandalism.

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

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

Utility Commission

Commissioner Unsell Reported as follows: 1.) Mr. Doug Marshall spoke for Mr. Jason Welch, the owner of the new restaurant proposed. He said there were \$65,000.00 in EDU fees to hook water and sewer to the building proposed for the restaurant. He expressed in the current situation that's an awful lot of money for a new restaurant to come up with. Mr. Welch and Mr. Marshall both made a plea for either waiving or reducing that EDU fee down from \$65,000.00.

Commissioner Unsell said that he and Vice Mayor Pase both agreed that Delmar has a lot of residential development and very little commercial development. He added that the Town really has a need for a 4-Star restaurant or a Pub restaurant. So, the Commission voted 3 to 1 to reduce the EDU fees by half making the EDU fees \$32,500.00 and to allow payment of those fees over twelve months following the issuance of the building permit. Mr. Marshall added that is a giant step in getting the restaurant in Delmar. 2.) The National Rural Water Association is shooting an educational video and invited, Superintendent of the Water Treatment Plant, Sophia Oberton, to fly to Florida at their expense to appear in that video.

Planning & Zoning

Deputy Mayor Lenox reported as follows:

1. **Dana Wright – New Porch Patio – Lot 389, 9346 Mulligan Way, Delmar, MD** – Mr. Wright presented for a new porch patio per the attached drawings. Deputy Mayor Lenox mentioned that Mr. Wright has the approval through the Wood Creek HOA. He further mentioned a condition noted by the Planning and Zoning Commission. A revised site plan was asked to be submitted showing the rear, the addition entirely outside of the setback area which would be 10 feet.

Deputy Mayor Lenox asked for a motion to accept Planning and Zoning Commission's favorable recommendation to approve – Dana Wright – New Porch Patio – Lot 389, 9346 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

2. **Brock Parker/Parker and Associates – New Home Build – 63A, 9101 New Bridge Drive, Delmar, MD** – Please see attached email. Received new site plan 4/6/2022. Mr. Patel presented for a new home build per the attached drawings. Deputy Mayor Lenox mentioned that the Planning and Zoning Commission tabled this submittal because it is an unusually shaped lot and the Commission questioned the setbacks. Our code does require a pretty extensive rear yard setback, however due to the geometry of the property, we took a closer look. We concluded the increased setback from 10 feet to 15 feet and that's what shows on the modified site plan. Mr. Patel's new home build is 4,600 square feet.

Deputy Mayor Lenox asked for a motion to accept Planning and Zoning Commission's favorable recommendation to approve – Brock/Parker and Associates – New Home Build – 63A, 9101 New Bridge Drive, Delmar, MD, as modified. A motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

3. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny – Lot 387, 9342 Mulligan Way, Delmar, MD – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox asked for a motion to accept Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny – Lot 387, 9342 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

4. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 338 A, 9373 Mulligan Way, Delmar, MD – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox asked for a motion to accept Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 338 A, 9373 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

Town Manager's Report

Town Manager Bynum reported as follows:

- 1.) The spring clean-up will occur in Delmar, MD, April 19th, on the Southeast quadrant of Town and April 20th, on the southwest quadrant of Town. 2.) The Wicomico County tax sale for fiscal year 2022 and 2021 is set for Wednesday, June 8th, at 10:00 a.m. at the Civic Center in the Midway Room. The Town has 37 properties on the tax sale list. Property owners have until June 7th, 5:00 p.m. to satisfy any outstanding account(s). 3.) Offices and services will be closed on, April 15th, Good Friday in recognition of Easter weekend. 4.) For the month of June there will be no DE or MD Council/Commissioners meeting however, there will be a Joint Council meeting that has already been scheduled for May 23, 2022 at 6:30 p.m. for the Public Hearing for the proposed FY23 budget. In order not to cause a delay for the May 18 2022 Planning and Zoning agenda items, we will incorporate all regular business pertaining to the Delaware Council and Maryland Commissioners. The meeting change occurred due to the MML summer conference being held the same week as the regular scheduled Maryland meeting. The Mayor and three of the Commissioners will be attending the conference. She also added that although there will be no Utility, Delaware or Maryland meeting in the month of June, the Planning and Zoning Commission will still meet on June 23, 2022 as regularly scheduled.

Council Comments

Commissioner Boothe commented Commissioner Unsell, Town Mgr. Bynum-King, some of the Office staff and himself have been working with the Lyons Brokerage Group on the insurance for

the Town employees. He said at their last meeting there were a lot of options looked at. One of the things he and Commissioner Unsell liked was the numbers providing 50% of the dependents cost for the employees. That is something that has not been done in Delmar, currently the employees have to pay that full cost for dependent care. Percentage of cost share is still in budget discussions, but it looks very promising that it will be approved. He is very excited not just for the employees but for the citizens of Delmar because it helps them out but also helps retain employees.

Commissioner Shaffer commented he was proud of Commissioner Unsell on his work with the Utility Commission on helping trying to promote business here in Delmar. He further commented he thought it was a big step and he thought it was a wise step by the whole Utility Commission to move forward with the reduction in EDUs. He mentioned he is also proud of the work that Commissioner Unsell and Commissioner Boothe have done with the insurance; that's huge in acquiring new personnel and retaining them so we don't train people and have them to leave.

Commissioner Unsell said he conquered with everything Commissioner Shaffer said.

Deputy Mayor Lenox said he applauded Commissioner Unsell and Commissioner Boothe as well.

Public Comments: -

1. James Winn introduced himself and said he is running for County Council at large. They have been going around the county to put a name with a face so people know who is on the ballot. He described his business, hobbies, and places he has resided.
2. Julie Giordano introduced herself and said she is running for County Executive in Wicomico County. She said it was great to see the Mayor and Commissioners because they door knocked together and had a piece of this change. She further said it's great to see the whole thing come into fruition. She gave a little background about herself in that she is a teacher in Wicomico County for seventeen years, previously working in the public and private sectors, what she brings to the table as far as the budget and changes that need to be made.
3. Penny Glasgow commented as a lifelong resident of Delmar, to see the new Mayor and Commissioners and how they ran the meeting it made her heart explode. It just makes her so proud.

Adjournment

Mayor Jorden called for a motion moved and seconded (Boothe/Shaffer) and carried to adjourn with a roll call vote of 5 Ayes.

Submitted by:

Clerk of Council
Vondell Spencer