

MAYOR & COMMISSIONERS
March 8, 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 Deputy Mayor Unsell, Commissioners Scholl, Tucker and Lenox. Town Manager Sara Bynum-King, Police Chief Ivan Barkley, Clerk of Council Vondell Spencer and Guest: Chris Brown, Paul Patel, Christine Parks, Jordan Spiering, and Kevin Utz.

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 – None.

Approval of Minutes

A motion was made, seconded, (Scholl/Unsell) and carried to approve the February 8, 2021 minutes as circulated by roll call vote of 4 Ayes 1 Abstain (Tucker).

Unfinished Business-

Town Mgr. Bynum-King noted the Marshall Annexation Public Hearing is going to occur on April 12th. She said there is nothing further to report on the King farm drainage issue. Town Mgr. Bynum-King further said she is still working to finalize the draft on the Mason Dixon Park agreement with Mr. Steve Miller with the County and Mr. Roger Waters with the Little League. She mentioned there was a meeting last week and several edits were discussed. Mr. Miller is making the revisions and will be forwarding to the Town for its final review process. The agreement is nearing final stages of the draft. Upon receipt of the revisions the draft will be circulated to this body and Mr. Benson for final review and comments from the Town. Mr. Miller will be circulating the edits to the County Officials and their attorney for final review and comments. Mr. Waters will share the revisions with the Little League Board for their review and comments.

New Business – None Reported.

Committee Reports:

Student Advisory-

Ms. Park reported: 1.) The month of March students are trying out for Spring sports. The first games for golf, softball, baseball, lacrosse and soccer are going to happen late March. 2.) There is upcoming PSAT and SAT testing for 10th and 11th graders. These grades will be testing separately on different weeks to make sure there is enough room in the building for a safe testing environment.

The school administrators are also beginning to plan something for senior's graduation and an alternative for senior prom since a dance can't be held due to COVID. The officers of the Student Government Association are going to talk with the High School Principal Mr. Bleile to discuss options. Mayor Wells mentioned she got a call about the senior's, and it looks like Mr. Bleile is going to try to do some type of grand march on the football field. Ms. Park responded yes and there are discussions about doing some type of banquet with a dinner instead of the dance. Mayor Wells commented she felt so sorry for the Class of 2020 and now 2021 students haven't really been able to have anything. She mentioned being hopeful something good comes for the class.

Police Chief's Report

Chief Barkley reported as follows: 1.) Increase in calls for people in mental distress. We do have some residents with real issues, some who will allow themselves to be treated and others who are side stepping the help which we cannot force the individuals to get the help. 2.) The department is holding up well with our current vacancies by doing some modifications in scheduling. Chief mentioned he has begun to make the best use of the officers that he has and will continue to do so to provide the best service that we can for the Town. 3.) All of the officers that have decided to get vaccinated have received their first and second shot. There was very little to no down time associated with side effects. 3.) There was another serious accident at Rt. 13 and Foskey Lane. There were no life-threatening injuries, however five people did have to be transported to the hospital. 4.) There was a motor cycle accident North of Town however not in Town and the Delaware State Police handled the accident. The Town Officers did assist DSP with some issues with the accident as much as possible. Mayor Wells said as far as Foskey Lane the State Highway Administration is just very resistant in putting a light there. She further said they could do a turn a round at the at the Delmar Diner but it would still cause a traffic delay. Chief Barkley responded that area is a problem area in general and notably that cross over at Rt. 13 and Foskey Lane is a place for serious accidents. Some of the conversations with Highway Safety on that side they note that there haven't really had many people killed. Chief Barkley further responded he doesn't want the number of people increased to fix the problem.

Parks and Recreation – No Report.

Mayor Wells informed Town Mgr. Bynum-King that she received a couple of calls since the weather started getting warmer with complaints that the basketball court hasn't been open. Mayor Wells stated she was assuming we are keeping it closed due to COVID. Town Mgr. Bynum-King responded she was going to discuss that situation this evening with regards to thoughts on having the basketball court open. Town Mgr. Bynum-King said thoughts to consider is if we open the courts would it be with limited hours, times or days of the week. She mentioned other jurisdictions have opened parks 100% others at various levels. Some jurisdictions are posting signage about using best practices as CDC is suggesting. Town Mgr. Bynum-King stated that people normally reserve the pavilion at State Street Park this time of the year for various dates throughout the summer, however the Town not taking any reservations. Staff is informing people that they can use the pavilion if they choose to it's just not going to be reserved, we are not promoting large gatherings in our parks until it is safe to do so. As it pertains to the basketball courts at Gordy Park, the restrooms will be dewinterized next week. Town Mgr. Bynum-King was seeking guidance from the Mayor and Commissioners. Chief Barkley mentioned that with the warmer days coming

he has real concerns because his department has had to deal with kids climbing the fence so they can play ball. Chief Barkley said he did not want anybody climbing the fence and hurting themselves.

Mayor Wells stated she doesn't mind opening the skate park. She further stated she doesn't know what good limited days would be because if people want to go, they want to go. Town Mgr. Bynum-King mentioned the skate park is open, there is no way we can secure that park. The only area that is secured is the basketball court. Commissioner Lenox noted that the skate board park as Town Mgr. Bynum-King said is open because there is no fence. The playground equipment is being used because we cannot secure it. Commission Lenox said he would be comfortable with a soft opening of the basketball court. Mayor Wells asked Chief Barkley if there is still an executive order in place for a number of people in one place. Chief Barkley answered the last order that he read talked about parks and public spaces being open. They did say the municipalities could have their own regulations as far as if they were open or how they wanted to open. Town Mgr. Bynum-King commented we can definitely do a soft opening without advertising that the park is open. Mayor Wells stated she just wanted to make sure that no one is expected to monitor that area because at the same time she wants the kids to get out and get some fresh air because it's something they haven't had in a while but she doesn't want an abundance of neighbors driving by and reporting the number of people there. Mayor Wells questioned if we monitor the basketball court. Chief Barkley responded not in that aspect. He further responded once you unlock the gate you are not going to control the amount of people who can come and go. Mayor Wells agreed and she said she would be okay with opening the basketball courts. Mayor Wells said it's been a year and we all have to hold ourselves accountable. If you don't want COVID don't put yourself in a situation where you might get COVID. Deputy Mayor Unsell asked Chief Barkley if the Police Department has a camera on the basketball court that they monitor. Chief Barkley answered we do and that is how we are aware that a few children have been climbing the fence to get in. Just the fact that they are doing that is a point of concern because I don't want anyone's child to climb that fence and injure themselves on our property. Mayor Wells agreed. Mayor Wells said let's open the basketball court. She asked if the Commission thought we needed any CDC suggestions to make the Town less liable. Town Mgr. Bynum-King answered we can post CDC suggestions but again it comes back to the enforcement side of it. Mayor Wells mentioned Little League has signups so they have every intention of playing. Chief Barkley commented that Little League was one of the issues that got him reading the updates on the regulations because of the request from Little League for their parade. Chief Barkley further commended he wanted to make sure we could have the parade within regulation and how it would all unfold. Mayor Wells responded that if Little League has a parade there is no way they can socially distance. Chief Barkley agreed.

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

Utility Commission

Deputy Mayor Unsell Reported as follows: 1.) The sewer main project is continuing to move forward. 2.) The Wastewater Treatment Plant is functioning well despite having access rain. We've had 38 inches of rain since last October which is above normal. 3.) There was a sewer main blockage on Chestnut Street behind the Rite Aid that was unclogged by Public Works and CES. 4.) We are still in search of a wastewater operator. We have one applicant that has some mechanical

background but is not licensed. The current employees at the Wastewater Treatment Plant are managing the plant well.

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

Planning & Zoning

Commissioner Scholl reported as follows:

1. Jordan Spiering/Carter Machinery Company, Inc. – Replacement Signage – 8660 Ocean Highway, Delmar, MD –

A motion was made for a favorable recommendation to the Mayor and Commissioners for the approval of – Jordan Spiering/Carter Machinery Company, Inc. – Replacement Signage – 8660 Ocean Highway, Delmar, MD., per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote of 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission’s favorable recommendation to accept the approval of – Jordan Spiering/Carter Machinery Company, Inc. – Replacement Signage – 8660 Ocean Highway, Delmar, MD., per the attached drawings. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

2. Paul Patel – New Home Build – Bridgewood Estates – Lot 55 A, 9103 Swingbridge Lane, Delmar, MD – Mayor Wells asked has the Fire Marshall already given approval. Commission Member Scholl answered that would be something that Mr. Hardin would take care of before he would issue any permits.

A motion was made for a favorable recommendation to the Mayor and Commissioners for the approval of – Paul Patel – New Home Build – Bridgewood Estates – Lot 55 A, 9103 Swingbridge Lane, Delmar, MD., per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by a roll call vote of 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission’s favorable recommendation to accept the approval of – Paul Patel – New Home Build – Bridgewood Estates – Lot 55 A, 9103 Swingbridge Lane, Delmar, MD., per the attached drawings. A motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

3. Kevin Utz/Becker Morgan Group, Inc. – Two proposed additions to the existing Gateway Subaru Dealership – 30275 Winner Blvd, Delmar, MD –

A motion was made for a favorable recommendation to the Mayor and Commissioners for the approval of – Kevin Utz/Becker Morgan Group, Inc. – Two proposed additions to the existing Gateway Subaru Dealership – 30275 Winner Blvd, Delmar, MD., per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by a roll call vote of 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation to accept the approval of – Kevin Utz/Becker Morgan Group, Inc. – Two proposed additions to the existing Gateway Subaru Dealership – 30275 Winner Blvd., Delmar, MD., per the attached drawings. The motion was made/seconded (Tucker/Unsell) and carried by roll call vote of 5 Ayes.

4. Chris Brown/Ryan Homes – Woodcreek/Pisa Torre – Lot 346, 9357 Mulligan Way, Delmar, MD – Commissioner Lenox requested that a special condition be added to the recommendation for all Woodcreek Homes to have concrete drive ways and concrete lead walks. He also reminded Ms. Brown of this condition. Ms. Brown responded the next batch of permits that Ryan Homes applies for will include concrete drive ways and concrete lead walks.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Pisa Torre – Lot 346, 9357 Mulligan Way, Delmar, MD., per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote of 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Woodcreek/Pisa Torre – Lot 346, 9357 Mulligan Way, Delmar, MD., per the attached drawings with the condition of concrete driveway and concrete lead walk. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

5. Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 356, 9337 Mulligan Way, Delmar, MD – Ms. Brown withdrew this submittal and will resubmit this submittal for March because they changed the elevation of the house.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 356, 9337 Mulligan Way, Delmar, MD., per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote of 3 Ayes 2 Absent.

6. Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 389, 9346 Mulligan Way, Delmar, MD –

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 389, 9346 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote of 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 389, 9346 Mulligan Way, Delmar, MD., per the attached drawings with the condition of concrete driveway and concrete lead walk. The motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

7. Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 412, 9433 Rolling Green Drive, Delmar, MD –

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 412, 9433 Rolling Green Drive, Delmar, MD., per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote of 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission’s favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 412, 9433 Rolling Green Drive, Delmar, MD., per the attached drawings with the condition of concrete driveway and concrete lead walk. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

8. Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 266, 9486 Song Sparrow Circle, Delmar, MD –

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 266, 9486 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote of 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission’s favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 266, 9486 Song Sparrow Circle, Delmar, MD., per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

9. Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 278, 9519 Song Sparrow Circle, Delmar, MD –

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 278, 9519 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission’s favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 278, 9519 Song Sparrow Circle, Delmar, MD., per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

10. Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 289, 9530 Song Sparrow Circle, Delmar, MD –

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 289, 9530 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote of 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission’s favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 289, 9530 Song Sparrow Circle, Delmar, MD., per the attached drawings. The motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

11. Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 298, 9568 Song Sparrow Circle, Delmar, MD –

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 298, 9568 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission’s favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 298, 9568 Song Sparrow Circle, Delmar, MD., per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

12. Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 394, 9356 Mulligan Way, Delmar, MD –

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 394, 9356 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission’s favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 394, 9356 Mulligan Way, Delmar, MD., per the attached drawings with the condition of concrete driveway and concrete lead walk. The motion was made/seconded (Unsell/Tucker) and carried by roll call vote of 5 Ayes.

13. Chris Brown/Ryan Homes – Woodcreek/Bramante – Lot 399, 9366 Mulligan Way, Delmar, MD –

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Bramante – Lot 399, 9366 Mulligan Way, Delmar, MD, per the attached drawings with picture clarification of the property Lot 400 and the property being proposed Lot 399 showing the styles are not similar in appearance. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Woodcreek/Bramante – Lot 399, 9366 Mulligan Way, Delmar, MD., per the attached drawings with the condition of concrete driveway and concrete lead walk. The motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

14. Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 401, 9370 Mulligan Way, Delmar, MD –

The motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 401, 9370 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 401, 9370 Mulligan Way, Delmar, MD., per the attached drawings with the condition of concrete driveway and concrete lead walk. This motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

15. Chris Brown/Ryan Homes – New Prototype (Ashford) Heron Ponds/Woodcreek – Elevations A, C, K and L, Delmar, MD. –

The motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Prototype (Ashford) Heron Ponds/Woodcreek – Elevations A, C, K and L, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

Commissioner Scholl asked for a motion to accept the Planning Commission's favorable recommendation to accept the approval of – Chris Brown/Ryan Homes – New Prototype (Ashford) Heron Ponds/Woodcreek – Elevations A, C, K and L, Delmar, MD., per the attached drawings. The motion was made/seconded (Unsell/Lenox) and carried by roll call vote of 5 Ayes.

Town Manager's Report

Town Manager Bynum reported as follows:

Town Mgr. Bynum-King reported she had information pertaining to the 2021 Maryland Municipal League Summer Conference. MML will be having an in-person conference this year in Ocean City, Maryland with some restrictions. They are looking to have two representatives from each municipality to register. She stated MML is going to allow at least the first three weeks for registration which opened on March 5th and will close on the 26th. After March 26th they will open registration to everyone until they reach the maximum of 400 in attendance at which time registration will be cut off to any further registration. There are going to be some virtual components to the registration process as well. The other stipulations are spouses or guests cannot attend the in-person conference sessions, workshops or the expo due to limited capacity and social distancing restrictions. There was reference that the guests may attend the welcome and closing receptions. However, reception tickets for the

events must be purchased prior to the convention. Town Mgr. Bynum- King mentioned anyone who is interested in attending please let us know so their registration and arrangements can be made prior to the deadline.

Town Mgr. Bynum-King reported in regards to the General Codes she has been working on the Table of Contents and has gotten it down to a place to where a couple of things she's going to have to go over with Mayor Wells to get her review before we do the final release of who's going to be looking at what component. She said tomorrow or Wednesday she will get in contact with Mayor Wells so she can provide any input that she may have before everyone is assigned their task.

Town Mgr. Bynum-King reminded the Commission that the Budget Workshop next week is going to be on Tuesday at 6:00 p.m. That will be the Joint Council Budget Workshop where they will show the results from all of the departmental requests.

Council Comments

Deputy Mayor Unsell, Commissioners Tucker and Lenox had no comment.

Commissioner Scholl commented he's glad it's getting warmer out.

Public Comments:

None.

Adjournment

Mayor Wells called for a motion moved and seconded (Scholl/Unsell) and carried to adjourn with a roll call vote of 5 Ayes.

Submitted by:

Clerk of Council