

MAYOR & COMMISSIONERS
March 14, 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: Linda Morris, Sally Smith, Chase Dykes, Doug Marshall, Jason Welch; teleconference guest: Chris Brown, Bill Krapf and Michael Cawood.

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 coming out.

Mayor Jordan made an addition to the meeting agenda. He said that he wanted to introduce Mr. Jason Welch, a business owner looking to possibly expand his business to Delmar, Maryland. Mayor Jordan asked Mr. Welch to tell the Commissioners and the audience a little about himself and the business he is looking to expand to Delmar.

Mr. Welch thanked Mayor Jordan for the opportunity to speak. Mr. Welch explained he is the owner of a restaurant/bar in Snow Hill, MD called Oaked 110. He and his business partner along with Doug Marshall wanted to bring this whiskey and wine bar restaurant/bar to Delmar. He distributed menus to the Commissioners and some of the meeting attendees to give an idea and feel for the type of food they serve. Mr. Welch also mentioned that the restaurant/bar would bring between 10-15 full-time new jobs and possibly another 5-10 part-time jobs. The location would be on Rt. 54 by Kylan Barn.

Commissioner Shaffer commented he is excited for 10-15 new jobs. Deputy Mayor Lenox asked is the restaurant/bar new construction or in the existing building and the size of the restaurant/bar. Mr. Welch answered in the existing building and 2,600 square feet give or take, roughly eighty seats and the menu would be somewhere priced average ticket between \$20.00 to \$28.00. Mr. Welch said he and his partners want it to be fun, exciting and new experiences for the patrons.

Mayor Jordan asked Mr. Welch to talk about the business's charitable events. Mr. Welch responded he and his partners would like to be heavily involved in the community. Currently what they do in the Snow Hill, MD restaurant is rotate, so every first Monday of the month is fundraisers for special interest groups and/or nonprofits. He said for example, Ladies Night etc., live music on the weekends and 10% will always go to something within the Town.

Commissioner Unsell asked is there a name for the restaurant/bar. Mr. Welch answered we are on the fence about the name either Oaked 54 or Oaked on 54. Commissioner Unsell further asked is there a target date to open. Mr. Welch replied the end of June, as far as construction, however COVID has not made this easy on anybody, receiving shipment supplies are always an issue. Commissioner Unsell and Shaffer mentioned they have experienced the restaurant/bar in Snow Hill and really enjoyed their experience.

Mayor Jorden commented after their meeting discussing what the business would bring to the Town, it would be a huge value to the Town. He further commented obviously he is looking forward to bringing this restaurant/bar to Delmar. Mr. Welch expressed he and his wife want to be a part of this community.

Approval of Minutes

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

Unfinished Business-

Town Mgr. Bynum-King mentioned following a telephone conversation earlier today with Mr. Mehta, he stated there was a miscommunication with Miss Utility which prolonged his ability to get the boring for the streetlights started, however the process is scheduled to get started this week. He did not have an update on the arrival date for the fixtures.

Town Mgr. Bynum-King also informed the Commissioners the outstanding matter with unpaid invoice to TK Construction and Mr. Mehta still remains unresolved. The insurance companies for Mr. Mehta and his boring contractor K&T Utilities denied the claim to satisfy the outstanding invoice. She concluded that she was informed by a TK Construction representative that they have it over to their attorney.

New Business –

None.

Committee Reports:

Police Chief's Report

Chief Barkley reported as follows: 1.) A week ago, Saturday we had applicant testing with physical and written testing for new police officers. He said he feels pretty good about that testing. 2.) We have 7 descent applicants for the 5 positions left. We should be able to fulfill his wish of having 3 in the next academy and 2 in the following academy depending on how everyone makes it through the rest of the process. 3.) The acceptance of applications is open, the ability to apply for employment never closes, and we will always be looking for good applicants to come in and serve the Town. 4.) Over the last month there hasn't been anything unusual going on. The Jewell Street matter seems to have quieted down. The Department is continuing to monitor situations at our two

local bars. 5.) During the month of May is the Police Officer's Memorial in Washington, DC. He will be in DC on May 12th thru the 15th. The Lieutenant is going to join him on the 15th because they have to escort Cpl. Heacock's family down to the monument. 6.) During the month of April on the 17th thru 21st, Chief will be attending the MML PEA (Maryland Municipal League Police Executive Association) in Ocean City, MD.

Mayor Jorden asked Chief if he had any comments on the restaurant/bar that wants to come to Delmar? He also asked how that new business might impact our Police Department. Chief answered he is sure there will be some impact; if it's anything like the current place in Snow Hill, which he has been to as well, he is sure it's going to be minimal.

Commissioner Shaffer asked Chief if he had any luck with trying to get quotes for the fence out back. Chief replied not yet, it's like everything is moving in slow motion. Commissioner Shaffer commented everybody is busy and you can't find people to work.

Mayor Jorden commented this academy should be packed out on our end as far as having three people in it. Chief responded yes, that's probably the most he could handle with the field training. He said he would hate to put too many in and not be able to properly field train them. Chief added that Mr. Snead is pretty much complete with the field training, he should be out there and on his own very shortly. Mayor Jorden further commented it seems like we are on track to fill the next academy as well. Chief answered yes.

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.) Had a meeting last Monday, the good news is Phase I of our sewer main project was supposed to be advertised last week in the Daily Times. The tentative project schedule is pre-bid will be March 23rd. The project will be awarded on April 20th and construction starting hopefully on July 1st. 2.) A property owner, Mr. Myers came and asked details about how he would get his home and a garage apartment hooked up to water and sewer in the Town even though he is technically out of Town. We answered his questions pertaining to annexation and sewer availability. Mr. Myers will not take immediate action unless he needs an emergency connection due to septic failure.

Planning & Zoning

Deputy Mayor Lenox reported as follows:

- 1. Michael Cawood – New Porch/Heron Ponds – Lot 137, 30700 Spoonbill Court, Delmar, MD** – Mr. Cawood presented for a new porch build per the attached drawings. Deputy Mayor Lenox stated the HOA has signed off on this as well.

Deputy Mayor Lenox asked for a motion to accept Planning and Zoning Commission's favorable recommendation to approve – Michael Cawood – New Porch/Heron Ponds – Lot 137, 30700 Spoonbill Court, Delmar, MD, per the attached drawings. A motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

2. **Chase Dykes – New Construction/Heron Ponds – Lot 285 A, 9547 Song Sparrow Circle, Delmar, MD** – Mr. Dykes presented for a new construction per the attached drawings.

Deputy Mayor Lenox asked for a motion to accept Planning and Zoning Commission's favorable recommendation to approve – Chase Dykes – New Construction/Heron Ponds – Lot 285 A, 9547 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Prototype (Columbia) Elevations A, B, C, K, and L – Wood Creek, Delmar, MD** – Ms. Brown presented for a new prototype per the attached drawings. Commissioner Unsell asked why does elevation B and K not show a garage door, is the entrance in the side. Ms. Brown answered it could, it just depends on what the owner wants. Deputy Mayor Lenox asked does any of the other houses have it on the side. Ms. Brown questioned any of the houses we built at Wood Creek. Deputy Mayor Lenox answered Wood Creek or Heron Ponds. Ms. Brown further answered she is unsure; she would have to go back and look.

Deputy Mayor Lenox asked for a motion to accept Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Prototype (Columbia) Elevations A, B, C, K, and L – Wood Creek, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante – Lot 343, 9363 Mulligan Way, Delmar, MD** – Ms. Brown withdrew this submittal.

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 81, 9429 Rolling Green Drive, 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 81, 9429 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia – Lot 82, 9427 Rolling Green Drive, 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/Columbia – Lot 82, 9427 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

- 7. Bill Krapf – New Construction/Ponds Edge Phase II – Winner Blvd. & Rt. 13, Delmar, MD** – Mr. Krapf presented for a new construction per the attached drawings. Deputy Mayor Lenox noted that the request this evening is somewhat limited. It is specifically for the seven three-story garden style apartments for a total of 168 apartments. The plan itself shows some additional townhouses as well as the detached garages that is still intended but those final plans have not yet been submitted.

Commissioner Shaffer asked where does that leave us with waste water. Town Mgr. Bynum-King answered these units are already included in the capacity management plan. Mayor Jordan questioned what does it look like for Chief, that's a lot of units. Chief responded that is a lot of units. He can't say we are handling a lot of calls in Ponds Edge. Management there tries to stay on top of the issues, that is what it is. He further responded he is aware they have a number of police officers that live there as well.

Mayor Jordan asked when is the projected finish date. Mr. Krapf answered as soon as he gets his permits that he is out to bid for and typically non COVID we could build a 24 unit building in seven months. We start a building a month and we try to CO a building about four to five weeks apart which works well for our leasing and management people so they are not overwhelmed. Fortunately, the site work is done here so we just have a few modifications to make so, he would think he would be started within the next month and seven months from then the first would come on and then six months after that the last one would be built.

Commissioner Shaffer asked has anyone contacted the Fire Department to see what their thoughts on it are or heard from them in regards to a project this size. Commissioner Boothe said we are out there a lot. They had a problem with their fire system years ago when they first opened to the point where that new part had to be on fire watch, it was bad. Hopefully they don't have the same people but we are out there a lot with the ambulance. It will most certainly impact the Delmar Fire Department without a doubt, it's a lot. Commissioner Unsell inquired just the number of people. Commissioner Boothe responded yes, it's a lot.

Mr. Krapf commented these units have been previously approved and building permits had been issued for them. When we purchased the project, we wanted to make a few changes, we kept the same number of units and we were in front of you last fall for the site plan approvals. So, these are just a reissuance from what he understood and of the existing building permits for these buildings with our plans and elevations.

Deputy Mayor Lenox asked Commissioner Boothe if he knew any concerns about the site layout strictly the number of units. Commissioner Boothe answered he was sure that the road width will be the same type layout as it was for the first Phase and we don't have an issue with that.

Deputy Mayor Lenox asked for a motion to grant conditional final approval for Ponds Edge Phase II subject to review by the Delmar Volunteer Fire Department and their satisfaction at this point as far as the design of the project – Bill Krapf – New Construction/Ponds Edge Phase II – Winner Blvd. & Rt. 13, Delmar, MD. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

Deputy Mayor Lenox asked for a motion for the Fire Marshall to confirm the design and the functioning of the alarm and suppression systems as proposed – Bill Krapf – New Construction/Ponds Edge Phase II – Winner Blvd. & Rt. 13, Delmar, MD. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

Town Mgr. Bynum-King and Deputy Mayor Lenox explained the process of the motions to Mr. Krapf.

Town Manager's Report

Town Manager Bynum reported as follows:

- 1.) Town Mgr. Bynum-King followed-up the attendance for the Summer MML Conference and asked if the Elected Officials spouses were going to be in attendance. She is trying to ensure the conference registrations are complete so the Town can take advantage of the early registration discount. 2.) The annual spring clean-up has been posted on our Facebook page and the Town website. The clean-up dates will be Delmar, MD April 19th and April 20th and Delmar, DE will be April 28th and April 29th. This clean-up will be one stop per resident. For more details contact Town Hall. 3.) The Joint Budget Workshop will be Wednesday, March 16th and 6:00 p.m. Deputy Mayor Lenox asked if the clean-up was bulk pick-up. Town Mgr. Bynum-King answered yes. There are certain items that cannot be picked-up and they are specified. Commissioner Shaffer asked that the clean-up be posted again on Facebook as another remainder. Commissioner Boothe inquired if the residents had to call. Town Mgr. Bynum-King further answered that was the previous way, now Public Works will be picking up by quadrants on the specified days. The quadrant maps will be posted.

Council Comments

Commissioner Boothe mentioned we should have some insurance answers by Wednesday. He is hoping by tomorrow but he feels confident by Wednesday we will have some plans to present and he's excited and happy. Commissioner Shaffer agreed.

Commissioner Unsell said as his "teacher daughter" would say "Happy Pi Day".

Commissioner Shaffer agreed with Commissioner Boothe.

Deputy Mayor Lenox inquired about the June meeting schedule. He asked is there a conflict with the MML convention for our June meeting. Town Mgr. Bynum-King responded she has a meeting with both Mayors on Thursday and she is going to try to pinpoint what we are going to do because the convention is the same day as the MD meeting. She further responded she had a couple of options that she was going to present to them to consider.

Public Comments: -

1. Sally Smith commented she lives on Wood Creek Parkway. Connelly Mill Road between Mar Lynn Drive and Lynch Drive and is full of potholes. Before and after it has been repaved, very smooth but Wood Creek Parkway is starting to breakdown before you turn from Connelly Mill into Wood Creek, it's starting to breakup. She's contacted Sophia, very nice lady, gets the potholes filled and gets it done depending on the weather; is there something that could be done to fill that section. Town Mgr. Bynum-King responded the section of Connelly Mill that she is referring to does have potholes and that was one of the proposals that was included for this body for this year's budget for consideration. It's one of those areas that is predominantly used by the county and the Parkway is in the county so that would be Wicomico County jurisdiction. Connelly is the section that is the Town's and we are looking at having a section of that paved but if it is approved the paving will not take place until the new fiscal year which is July. Deputy Mayor Lenox asked Town Mgr. Bynum-King could someone from Town Hall contact Mr. Lee Outten, Road Superintendent, for Wicomico County Roads Division. Commissioner Boothe commented he feels Ms. Smith's pain and he hopes we can get this approved.
2. Mike Conner commented he is a neighbor of Ms. Smith and he would hope that we would just not pave the road. The problem is the side of the road is it's way higher and it needs to be graded back. On the south side, the ditch from the edge of the road is 8 feet off the road; the tree has been allowed to grow in the ditch and there is 6-to-8-inch trees growing in that ditch. Those areas that need to be graded, that is the right of way and when there is standing water on that road somebody is going to have an accident.
3. Linda Morris asked what is going on with the community center. Mayor Jorden explained right now everything is in for our budget approval. We are trying to figure out the logistics of the financing and what us as the Town can do, DE and MD. Also, we have hopefully some state financings that we have applied for. We have some letters of intent of people who actually want to be in there on a regular basis and volunteer their time.
4. Doug Marshall announced if anyone has seen the news tonight, we are moving forward April 28th, with the Heacock Festival that we plan on doing every year. This year it's on a Thursday which we were adamant about it being on that day. Next year it will be on a Friday, the following year it will be on a Saturday. We are going to make it an annual event.

Mr. Marshall explained the food, drinks proceeds, funding, fireworks process, flyovers from each agency, liquor board and foundation. He stated everything was happening so quickly, quicker than he can talk about. Mayor Jorden asked has he talked to the Fire Department about traffic control. Mr. Marshall answered the Chief and I have had some brief conversations about the Fire Police. Haven't expanded upon that, but we will. Commissioner Shaffer inquired if the surrounding neighbors would be notified about the fireworks. Mr. Marshall responded we will do the same thing that was done before. Mayor Jorden informed Mr. Marshall about the fireworks permit. Town Mgr. Bynum-King explained the fireworks process. Mayor Jorden encouraged Mr. Marshall to get the permit portion done. Mayor Jorden asked was there anything the Mayor and Commissioners could do to help with the festival. Mr. Marshall answered just the support from the Town, marketing and getting it to the citizens as fast as you can. Mayor Jorden replied he will see if we can put that on our Facebook page.

5. Doug Marshall commented TK Construction is a very well-known company and listening to the numbers that's a lot of money for a little company. Hope you get that settled quick because we all need that company operating here and if they don't get paid there is a day, we're going to make the call and they are not going to be there.

Adjournment

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

Submitted by:

Clerk of Council
Vondell Spencer