

MAYOR & COMMISSIONERS
March 11, 2024
MEETING HELD IN-PERSON AND VIA TELECONFERENCE

Mayor Jorden 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 Nembhard. Town Manager Fleetwood, Town Attorney, Robert Benson, Chief Ivan Barkley, and Clerk of Council Vondell Spencer were in attendance. Guests:Carolynn Foxwell, Michael Day, Donald Haddock, Doug Marshall, John Morris, Autumn Seehafer, Jessie Johnson, Jeanie Ward, Theresa Souder, Elizabeth Stripling, Frannie Roberts, Ken Shockley, Caleb Walker, and Ed Ferro.

Mayor Jorden led the Pledge of Allegiance.

Mayor's Comments –

Mayor Jorden thanked everyone for attending the meeting.

Approval of Minutes –

A motion was made, seconded, (Boothe/Shaffer) and carried to approve the February 12, 2024 meeting minutes as circulated by a vote of 5 Ayes.

Unfinished Business –

None.

New Business –

Flea Market

Mr. Don Haddock and Mr. Michael Day discussed and explained comparisons to the Salisbury, MD and Delmar, MD flea market located at Bi-State Blvd., parking, future summer plans for the Delmar flea market, vendors locations and business licenses, entrances and parking, signs, days of clearing of the lots, and pros and cons of the Delmar flea market. A lengthy conversation occurred.

Hometown Hero Banners

Mrs. Carolynn Foxwell presented and explained the Hometown Hero Banners. A conversation occurred.

Mayor Joden called for a motion to approve the Hometown Hero Banners. A motion was made/seconded (Shaffer/Nembhard) and carried by a vote of 5 Ayes.

Resolution #2024-03-04

Town Mgr. Fleetwood explained and read Resolution #2024-03-04 Terminating the Town of Delmar's current retirement plan.

Mayor Jordan called for a motion to adopt Resolution #2024-03-04 Terminating the Town of Delmar's current retirement plan. A motion was made/seconded (Lenox/Boothe) and carried by a vote of 5 Ayes.

Committee Reports:

Police Chief's Report –

Chief Ivan Barkley reported as follows: 1.) The two recruits in the academy are doing well. PD is looking forward to their June 2024 graduation. 2.) The two part-time PCO's are working on the weekends. Their hours fluctuate. The hours are not 24/7 but the majority of hours are covered by PD's PCO's. 3.) Mr. Kevin Doman who will be swearing in tomorrow night at 6:00 p.m. at the V.F.W. is doing well with his field training. 4.) Three of the new police cars are in service, and have been assigned. Hopefully the last car will be back at PD shortly. 5.) PD did post to social media and asked everyone to stay vigilant about making DE and MD residents aware of scams. Some residents have lost a considerable amount of money in these scams. Deputy Mayor Lenox noted in the Foskey Ln. area the additional police presence has been noted and appreciated. Mayor Jordan said he had some residents question the fire lane in front of Food Lion because on Saturdays and Sundays it gets pretty hectic. Chief Barkley responded if anyone is in front of the fire lane in front of the Dollar Store, Cigarette Outlet or the Food Lion Shopping Center, it is pretty easy pickings. Some people are creatures of habit and have always done it that way so, it is time to change. PD has been ticketing and will continue to ticket. Mayor Jordan further said he wanted to make sure that if there is anything the Mayor and Commissioners can do as far as the flea market make them aware. Chief Barkley further responded to keep an eye out on the things that can be avoided and addressing them when possible. A conversation occurred.

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

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

Town Mgr. Fleetwood updated everyone that the amount of rain the town has experienced over the last couple of weeks put a strain on the WWTP. The WWTP is running a million gallons a day compared to six months ago running 640,000 gallons per day. 2.) At the east side of Bi-State Blvd. on Pine St. the lift station that was there prior was under the road where the manhole is located. The old infrastructure that collects water is still part of the current lift station. Last week there was a high amount of rain. One pump was already inoperable and one pump was in the shop being rebuilt. The pump that was operational was not operating at 100%. The water level rose by 12 to 13 feet. Where the lift station is located there is a stormwater drain lid. Because the water rose so fast paper and solids clogged everything at the bottom which was not seen when there was 15 feet of water. That water had to be pumped and the problem was located fixed and the flows are good now. There is a bypass pump in that location now so it will be louder. The pump that was being rebuilt will be another week to ten days to be fixed.

Utility Commission –

Commissioner Shaffer reported as follows: 1.) Reallocation of funds was requested in the amount of \$22,495 from contingency to capital funds for the pump failure at the Pine St. lift station due to rags in the impeller. 2.) Reallocation of funds was requested in the amount of \$16,000 for the WWTP from equipment to outside skilled services because the WWTP budget was getting tight. 3.) Mr. Mike Goldberg from Shadow Hills off of Connelly Mill Rd., which is not in town limits, did a presentation about The Safari at the Quarry Event. Commissioner Shaffer said Mr. Goldberg presented paperwork that he made copies of and he submitted the paperwork to the Mayor and Commissioners. The event will be in Wicomico County.

Parks & Recreation –

Commissioner Boothe reported: 1.) There were dates selected for the parks clean-up. The clean-up will take place at all three parks on April 27th between 9:00 a.m. and 12:00 p.m. with a rain date of that Sunday between 1:00 p.m. and 3:00 p.m. 2.) Movie Night will be May 4th in the park and the movie being shown is Star Wars. Mayor Jordan mentioned the church just got their new screen in and it is very nice. The screen is completely waterproof, etc. The church said they would be more than happy to set it up for movie night.

Fire Department –

Commissioner Boothe said lifetime member Gary Wootten rose to deputy chief in the department, fire police for many years, and a great man passed away Friday night. It is a big loss to this community. Mr. Wootten's services will be at the Fire Department on Sunday between 12:00 p.m. and 2:00 p.m. which will be visitation and the service will start at 2:00 p.m. and that is probably why the deputy chief is not here tonight to give the report because they are working on getting the FD ready.

Planning & Zoning –

Deputy Mayor Lenox reported:

1. **Doug Marshall – Subdivision Plat Approval – Royal Tern Dr., Delmar, MD** – Mr. Marshall presented a subdivision plat approval per the attached drawings. Commissioner Shaffer asked Mr. Marshall if this was where the original 90 homes were going from Ryan Homes. Mr. Marshall answered correct. He further asked Mr. Marshall if that meant 9 homes only now. Mr. Marshall answered nine and it was originally approved for 89 to 90 homes. Deputy Mayor Lenox added there will be no new public streets and all the access that is furnished comes off of existing streets. Commissioner Lenox asked Mr. Marshall what the total acreage is. Mr. Marshall answered 118 or 120.

Deputy Mayor Lenox reminded the Commission of the rezoning process that just took place to revert back to residential district and away from the lighter scale potential Commercial R2 District.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Doug Marshall – Subdivision Plat Approval – Royal Tern Dr., Delmar, MD., per the attached drawings. A motion was made/seconded (Boothe/Nembhard) and carried by a vote of 5 Ayes.

2. **Kenneth Shockley/Unique Styles Home Building, LLC – School of Instruction and Education – 500 S. First Street. Delmar, MD** – Deputy Mayor Lenox stated this was a plan that the Planning and Zoning Commission did have some concerns with and it has been seen before and recognizing that it is considered to be a community use in that district and there are probably some more detailed plans needed to make sure that it is actually going to work.

Deputy Mayor Lenox further stated Mr. Shockley came before them with a conceptual plan as well as what the Planning and Zoning Commission considered a preliminary plan. He said they would have liked to have gotten final approval but there were some issues that needed to be addressed, particularly this learning center interacts with First St., issues of access, and public safety. The FD shared the same concerns that the Planning and Zoning Commission has referenced.

Deputy Mayor Lenox said the use is allowed inherently in the district but the site plan is the key to the conditions and the additional work that the Planning and Zoning Commission are asking them to do. Mr. Shockley is the builder and he is responsible for the building itself. The operation of the school is through someone else. The site design is what Planning and Zoning are asking to be addressed to move forward.

Mr. John Morris asked how big is the building itself and what they are requesting? Mayor Jorden replied 3,100 square feet. Mr. Morris said as the Mayor and Commissioners are aware First St. is a two-way street but it is rough on traffic getting one car in and one car out. Deputy Mayor Lenox explained the use for the way the property is zoned/permitted. Mr. Morris asked how many kids are allowed in the facility itself? Mr. Shockley responded he thought the question/concern was traffic and he explained in the morning there will not be any traffic there. He further responded there is no traffic going to be generated by the learning center. Mr. Morris responded also there is a ball facility that is next to it.

Mr. Morris questioned what the facility type is. Mr. Shockley responded it is a learning center. Mr. Morris said his concern is there are six to seven business owners that are around the area that it can affect. They are small family providers as well. Mr. Shockley further responded it is not a daycare center. It's a learning center and it's different than a daycare center. Mr. Shockley explained to Mr. Morris he is the builder but he has a lot of insight into this facility. Mr. Morris explained his main concern is the building 3,100 square feet on that lot. He said it is a very, very small lot. He said if it is a learning center, 35 square foot per kid which gives them access to 90 kids in and out. Deputy Mayor Lenox asked Mr. Morris if he wanted the Planning and Zoning Commission to make sure they calculate peak occupancy relative to the number of trips and how much

parking they should have. Mr. Morris answered correct. Mr. Morris further said, “and also the in and out because during peak season of the ball season there is a lot of traffic there. There is a lot of traffic in and out a two way as a one way considering 100 plus cars coming in and out the facility on a day-to-day basis.”

Deputy Mayor Lenox asked Mr. Morris from his personal experience out there do people use First St. to access the ball field. Mr. Morris answered the ball field is his main concern. Mr. Morris explained people use that facility right now as parking but it is also a main facility for getting people in and out for ball, First St. and it could cause a fluctuation if there are 100 cars coming in and out of there on a daily basis. Deputy Mayor Lenox further asked Mr. Morris if the people are coming down First St. and then turning on Spruce St. Mr. Morris further answered yes and it’s only a high velocity during ball season. It’s not as high this time of year but there is also one car going in and one car going out.

Mr. Morris said they are building a 3,100 square foot building as a learning center. He asked where are the kids are going to play at and where are the concerns for that, how is the facility going to benefit the town itself, and is it going to disrupt the kids that are already playing on the ball fields?

Mr. Frank Roberts stated he has the experience of what goes on during baseball/softball season at that location. He said 90 people coming in and out of that location in multiple directions. The cars park along the side and they fill that lot currently right now with parking during baseball and it will be impacted in multiple ways, not just traffic coming out but where are the players and parents going to park? At one point this lot was going to become part of the town for baseball use to alleviate the problems that they have over there with the American League Field and the Tee Ball Field.

Mr. Roberts said he understood what Mr. Morris was saying about the providers that are currently there with daycares especially how this facility would impact them with the potential for this facility having 90 kids, regardless of whether there was expansion of the road. Again, there is the issue of whether there is enough room there with a 3,100 square foot building with parking for staff. He further said now there is a facility that cares for 90 kids, they are not going to all be indoors so, where are those kids going to go because from his understanding the lot is not big enough to have something on the lot itself outside for the children? Mr. Roberts asked Mr. Shockley what the age group is for the learning center, and when does the facility open and close. Mr. Shockley answered 8:00 a.m. to 5:00 p.m. Mr. Shockley asked when the softball games take place? Mr. Roberts answered it’s all day.

Mr. Roberts further said coaches use the fields to train the kids throughout the day, especially on weekends. Mr. Shockley responded he understood. Mr. Roberts said the more business the better for the town, however, that location he considered a back road. Again, there is the one access that everyone parks along residents’ property there and those residents allow that parking there even though that particular property was taken by families to park at so that whole area over there during the season is crammed as it is so

having a facility there is going to be a logistical nightmare if approved. It will create problems for homeowners there, the ball facility, and home-based business daycares.

Mayor Jordan asked Mr. Roberts if that specific property was used for parking now. Mr. Roberts answered yes. He further asked Mr. Roberts what would be the difference if it was a house versus a facility. He further answered with a home, there are not that many people coming in and out of the facility and they're not going to be able to park along that road. Mr. Shockley commented the facility may hold 90 kids but they have an occupancy load that they will be able to use and they are going to keep the capacity at 35 because once you get over that certain number that changes something concerning that facility. It will not be over 35 kids. Mr. Roberts said he had a concern if an incident with an injured child happened. The park is already a nightmare and people can't get down that road and then an emergency vehicle has to access for that child that is on the field because those instances have happened before. He asked what if the police have to get an officer to the field?

Ms. Jessica Johnson stated she is an in-home daycare provider since 2005. She expressed her concern is the parking not just the ball field, even when you get onto Spruce St. when it's ball season there has to be a cone to put up in front of homes because no one can come in through Spruce St. She further stated she welcomed any entrepreneurs she just did not think this is the area because it will affect small businesses. The major concern is that the facility is directly behind their house so it would overflow onto First St. onto Spruce St. and onto the stone gravel that was just put in for parking. She said she is unsure where the designated parking would be.

Ms. Johnson said the ages are 6-8 years old for this facility which would then impact our school who now is a Pre-K kid for a program and just started Pre-K at four. The learning center would be initially taking from the school as well no different from the providers. The learning center will absolutely have Pre-K if they are reputable for it. An early learning center is no different than a childcare center. It is regulated the same way. The 35 kids that are being spoken on is because that is what the director is qualified for. Once the director goes further in school then they qualify for more and the childcare gets bigger.

Ms. Johnson stated she fluctuates her schedule between 10-12 parents, and she has 10-12 children. There are two family providers on Spruce St. so they both have cars going in and out just by themselves on top of school traffic and ball traffic. If it was any other location, she said she would be for it but that location is just not it, it's not enough room. She asked if the children are going to play at the local playground and is it going to be overcrowded? Mayor Jordan answered it would be no different than if Ms. Johnson wanted to take the kids she has at her house to the playground. The playground is open to the community. She responded 90 as opposed to 8 is different. Mayor Jordan added from a business standpoint it is probably a logistical nightmare trying to take 90 kids to a park. She further responded there is definitely an issue with the parking and the kids crossing the street because there are issues now.

Mr. Shockley stated he heard the concerns and they are legit but in the mornings for 15-20 minutes they are dropping the kids off, it is not traffic throughout the day coming out. At 4:30 p.m. the parents are coming to pick the kids up 15-20 cars at a time. He further stated the entire issues that he is hearing is about basically the parking for ball season because putting that facility there is eliminating the parking for the ball field. Mr. Shockley further stated he does not think that is absolutely fair to the facility because that is the biggest concern. They park there now but with the facility there they will not be able to park there and it would cause a problem for the ball field. He said so he could not stand there and say that he thought it was fair for that facility because it will eliminate some parking more so than anything. Mayor Jordan responded it doesn't matter if it is a house, shed or a garage because more of the question is essentially, they are allowing a commercial type facility in a residential area and what ways that have impact on the town. The biggest question is the kids getting in and out of the facility because the last thing the town needs is somebody to get hit by a car or something worse. He said he just wanted to make sure that they can handle that influx on the town.

Commissioner Shaffer stated he does not live around this so he was torn because it is a small business. He said he lives on Chestnut St. which is similar to all the other streets around here. He further said he has not officially heard from all but a couple people and what he heard about it was there were concerns and so he went out in the streets and tried to gauge the feel for people. In conversations with the people on their porches, sidewalks, etc. everybody was concerned about traffic. He stated he did not hear one thing about parking for the ball field. One guy made the comment the size of the road is about 1 1/2 cars. The guy that made the comment to him has property near it and the man said, "is he supposed to fix all the ruts from people turning in and trying to pass that drive over his yard?" Commissioner Shaffer mentioned that was communicated to him over and over again unfortunately and ultimately you have to respect the people that live around it. He explained that is why he went out and tried to feel out what was going on.

Town Mgr. Fleetwood added the road is a narrow road. On the north end of that road is a concession stand, limited parking, and many times when his kids were in ball he had to sit and wait until people went home and he could not get his vehicle out. The road itself does not support, or how do we move and prohibit parking on that street for Little League?

Commissioner Boothe said the calls that he received and face to face all echoed the same. The residents on that street are very concerned by this and he understood. The parking is very narrow there and it is very tight but he could also see Mr. Shockley's point. Commissioner Boothe further said with a building of that capacity it is a big difference between 30 and 90 kids. He asked how many of the parking spots are going to be taken by the teachers that are going to work there? Mr. Shockley responded we have to design that to allow for capacity of parking because that was one of the things that we have to have in place. He further responded again if it came to it, they say they have 35 kids and would never go over that in writing, then they wouldn't. If it came down that the owner would have to put something in writing to say she would not have the capacity over 35 kids, then that could be done.

A very lengthy discussion occurred by attendees.

Deputy Mayor Lenox called for a motion to table preliminary plans submitted on behalf of – Kenneth Shockley/Unique Styles Home Building, LLC – School of Instruction and Education – Request that Mr. Shockley and the others from his team rejoin the Mayor and Commissioners, – 500 S. First St., Delmar, MD. A motion was made/seconded (Boothe/Nembhard) and carried by a vote of 5 Ayes.

Town Managers Report –

Town Mgr. Fleetwood reported: 1.) Last Thursday, department heads, Mayor Bauer and himself except for Chief Barkley and WWTP Superintendent, Frank Daniels, went on a trip to the White House which was a great opportunity. 2.) Tomorrow at 2:00 p.m. in the town hall chamber the Employee Recognition Ceremony will take place from 2:00 p.m. to 3:00 p.m. There will be a one year, twenty-five year, and thirty year recognition. Town Mgr. Fleetwood explained the benchmarks guidelines for recognition. 3.) Tomorrow evening at 6:00 p.m. the police swearing-in ceremony, award ceremony and promotion ceremony will take place at the V.F.W. Town Mgr. Fleetwood publicly acknowledged Delmar Pizza for catering this ceremony. He thanked in advance Commissioner Nembhard for helping with this event. Town Mgr. Fleetwood invited the public. 3.) This Wednesday at 6:00 p.m. the first Utility Budget Meeting will take place in the town hall chamber. 4.) State St. Park restrooms and scout house have been reroofed and that structure now has a new ridge vent, rough-in plumbing is completed on the inside of the restrooms, all the fixturing is in a 30-mile radius, and the rest of the work should be completed soon. 5.) Phase 3 of the sewer main project on the DE side, Clean Water State Revolving Fund has approved a loan for \$1.8 million dollars in funds for the project at 2% interest. 6.) On the DE side, the lead service line is looking like the town will have \$370,000 approved for that project as well. 7.) Town Mgr. Fleetwood mentioned his issue with experience with Safari at the Quarry will be when the attendees leave the property coming out on Connelly Mill Rd. is a lot of mud. He said he would reach out to Lee Outten and continue to do so to make Wicomico County aware. Mayor Jorden responded he has met with them about the Safari4 at the Quarry and they have overly reassured him that they will clean every vehicle before they leave.

Council Comments –

Deputy Mayor Lenox, Commissioners Nembhard, and Boothe had no comments.

- 1.) Commissioner Boothe thanked WWTP Superintendent, Frank Daniels and all WWTP employees for doing a great job with the amount of water the town has received. He said it is a big undertaking what those guys are doing.
- 2.) Commissioner Shaffer echoed what Commissioner Boothe said about the WWTP employees. He mentioned the PW staff working at the Pine St. station until 9:00 p.m. or so multiple nights trying to keep everything flowing so there are no back-ups in houses. He thanked PW.

Public Comments –

None.

Adjournment –

Mayor Jorden called for a motion to adjourn which was made/seconded (Shaffer/Boothe) and carried by a vote of 5 Ayes.

Submitted by:

Clerk of Council
Vondell Spencer