

MAYOR & COMMISSIONERS
May 9, 2022
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 Unsell. Town Manager Bynum-King, Police Chief Barkley, Shawn Johnson, Clerk of Council Spencer and Robert Benson Town Attorney were in attendance. Guest: Jeff Fleetwood, Shawn Johnson, Kristen Hazel, Darren Lombardo and Doug Marshall; teleconference guest: Chris Brown and Dipal Patel.

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

Mayor's Comments-

Mayor Jorden said the Cpl. Keith Heacock Festival had taken place and went well. It was a great turnout. He noted around \$120,000 was raised for the Cpl. Keith Heacock Memorial Scholarship Fund.

He mentioned that Town Mgr. Bynum-King is retiring. He thanked her for her years of service to the Town and her service provided to this body. He commented he is unsure how she will be replaced.

Mayor Jorden read the Proclamation for the 53rd Annual Professional Municipal Clerk's Week.

Mayor Jorden introduced Maryland State Delegate Carl Anderton Jr. Mr. Anderton said he would not be in the position he is now without Town Mgr. Bynum-King doing such a great job when he was Mayor in Delmar, MD.

Mr. Anderton explained there were monies available that Town Mgr. Bynum-King helped him bring to the Town: \$250,000 towards the Community Center, \$350,000 to redo Pennsylvania Ave. which will be the first phase and by the time that gets under construction the second half will come; the whole street can be finished. A bill was passed restoring how we use revenues in which he was at that table when the revenues were cut. He said we went from \$160,000 a year to about \$6,000.00 a year to pave a street.

Mr. Anderton further explained the governor is going to sign the bill Thursday. We were getting \$164,000 a year. That number will jump to \$196,800.00 a year from here on out. Between fiscal year 2025, 2026 and 2027 there is a bump and it will go from \$196,800.00 to \$221,400.00 to 246,100.00; then back to our baseline amount which will be \$196,000.00 a year. Any residents that have been upset about their streets not being paved or sidewalks not being fixed, a lot of that the state can be blamed.

Mr. Anderton described it as being a good session for local projects here in Wicomico County. He thanked everyone for the opportunity and communication especially Town Mgr. Bynum-King because they were able to take advantage and bring some extra money back to the Town.

Mayor Jordan administered the Oath of Office to newly Elected Planning and Zoning Maryland Representative: Shawn Johnson.

Approval of Minutes

A motion was made, seconded, (Lenox/Boothe) and carried to approve the April 11, 2022 minutes as circulated by roll call vote of 5 Ayes.

Unfinished Business-

Town Mgr. Bynum-King noted she received an email that the Wood Creek streetlights are scheduled to be installed May 30th. She said she did not get an update on the tree planting.

Mayor Jordan updated everyone that the Town is still in the negotiation process with the developer concerning TK Construction. The developer is going to take responsibility for some issues along with the Town. The Town is still sorting out all the issues and trying to move forward.

New Business –

Mayor Jordan read in its entirety Ordinance #750 as First reading of Delmar, Maryland/Utility Commission FY2023 Budget – in packet.

Mayor Jordan asked for a motion to pass the first reading of Delmar, Maryland/Utility Commission – Ordinance #750 FY2023 Budget. A motion was made/seconded (Unsell/Boothe) and carried with a roll call vote of 5 Ayes.

Committee Reports:

Police Chief's Report

Chief Barkley reported as follows: 1.) PD is on track for the Friday, June 17th graduation at Wor-Wic Community College for the current recruit in the police academy. 2.) Three new recruits with conditional offers are quickly getting through the final stages for them to be able to attend the upcoming police academy in July. 3.) Body cams are in but the department is still in a testing stage with them. There are software issues, which is good to find now. 4.) Thursday Chief is scheduled to go to Washington, DC to attend both the National Candle Light Vigil and the National Police Officers Memorial this week. Cpl. Keith Heacock's name will be added to the national wall in Washington, DC. 5.) No additional headstones were pushed over and no crime trends to report.

Commissioner Boothe said he was informed and getting concerned about dirt bikers coming through Salisbury stopping at Tiger Mart and making their way south. Chief responded he hasn't heard anything about that and PD monitors pretty heavy. Commissioner Boothe asked was there

any kind of plan for the fourteen or fifteen of these folks on dirt bikes that are kicking cars etc.

Chief further responded if they start showing up here, PD will devise a plan to deal with it. It would be more interesting to see how Wicomico County is going to deal with it because they are passing new Town and County ordinances to address some of those issues.

Mayor Jorden asked what the timeframe is on bodycams? Chief answered we need to be live July 1st so everything at this point is asap. He further asked as far as the technical issues is that something with the company that we are using, something that we need to find another company or is it with the cameras themselves? Chief further answered truthfully there is going to be another company anyway because DE is going statewide with their cameras and it's a different solution than what we have. Chief said he is unsure when the DE cameras will roll out. He further said he is mandated by MD to have bodycams by July 1st which is why the PD moved forward with what they had.

Commissioner Shaffer questioned if the bodycams qualify from MD to DE and will it be different software for each state? Chief responded when DE bodycams roll out, they will be pushing out a product that is considered superior to the bodycams PD already has.

Town Mgr. Bynum-King asked Chief does that mean the bodycams that PD has now will be obsolete and PD will not be using the bodycams the Town just purchased? Chief answered probably, yes. He further answered that is the problem with getting the bodycams from both sides. In MD we are mandated to have the bodycams active and functioning by July 1st and DE is rolling out a statewide system that every agency will have to carry, the same type of camera.

Town Mgr. Bynum-King addressed the after-hour Code Enforcement calls. She explained CDC William Hardin is qualified in structure and buildings so when making decisions to evacuate or condemn any type of building he is to be notified. She said she will email CDC Hardin's contact information to Chief and the Fire Department as well. She added that when there is a service call that will ultimately involve Code Enforcement, the reports from the PD and/or FD are needed asap before the Town can proceed with enforcement. Chief responded he will make sure PD is aware who to contact in that situation.

Fire Department – The report is included in the mail packet.

Commissioner Shaffer asked is there going to be a blood drive during the day, south of the FD May 23rd? Mr. Johnson answered he is unsure because there was supposed to be one at the VFW, then another at a different location. He further answered he is unaware if it's the same group. Commissioner Shaffer said Three Alarm Blood Drive. He further said if Mr. Johnson finds out something solid maybe they can have the notice put up on the Town's Facebook page to help promote it. Commissioner Shaffer questioned if there was any other upcoming event. Mr. Johnson responded the FD is starting to plan the 16th Sportsman Bash.

Mr. Johnson thanked Town Mgr. Bynum-King on behalf of the FD. He said she has been very supportive of them and it is going to be a very hard time replacing her.

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.) Town Mgr. Bynum-King announced that it would be her last Utility Commission meeting. 2.) \$1,302,301.00 of available funding for Phase I of the sewer line replacement project. There are five phases. We put it out for a bid. The low bid came in at \$2,446,446.00, so we are about \$1,100,000.00 short. In the not-so-distant future we will be talking about seeking financing for the Phase I project. We will probably have to do the same thing for Phases 2,3,4 and 5. 3.) The WWTP has been functioning consistently within its permit since the arrival of Superintendent, Frank Daniels.

Planning & Zoning

Deputy Mayor Lenox reported as follows:

1. **Dipal Patel – New Shed Construction – 9098 Newbridge Drive, Delmar, MD** – Mr. Patel presented for new shed construction per the attached drawings. Deputy Mayor Lenox asked what was the primary use for the shed because it's pretty substantial? Mr. Patel answered the shed will be used for storage purposes and no one will be living inside.

Deputy Mayor Lenox asked for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Dipal Patel – New Shed Construction – 9098 Newbridge Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Shaffer/Unsell) and carried by roll call vote of 5 Ayes.

2. **Brock Parker/Doug Marshall – New Construction Proposal – Royal Tern Drive/Kylan Barn at Heron Ponds, Delmar, MD** – Mr. Marshall presented a new construction proposal per the attached drawings. Mr. Marshall explained the RVs are \$75,000.00 to \$80,000.00 each and some are ADA Compliant. Also, he sent the HOA the emails, floorplans, and the site plans. Deputy Mayor Lenox asked Mr. Marshall was this particular property in the HOA. Mr. Marshall answered it is not in the HOA. Mr. Marshall distributed photos of the floor plans to the Mayor and Commissioners.

Mayor Jorden asked how many people the RV sleeps? Mr. Marshall answered 4-6 but 4 is the ideal number. He further answered they will start with 4 and the goal is to have 10 RVs. The RVs will hook into the Towns water and sewer system. Mr. Marshall explained guests will park the RVs for the weddings at Kylan Barn but the RVs are not just limited to the weddings. The RVs have smart siding and standing seam metal roofs that will make their design last for 50 years.

Commissioner Boothe gave a scenario: if someone wants to come into Town for a weekend wedding, they stay in Delmar, go to get pizza, play gulf in Wood Creek, go to

Oaked 110 but what's nice about it, it keeps money here in the Town. Mr. Marshall replied it's more of a transient use. We are hoping to have all the experience of Kylan Barn.

Mr. Marshall described each unit will be serviced by a 50-amp breaker and have one bathroom. He said he has spoken to the Utility Commission to see what the EDUs will be to tie the units in. The concept is to have four tiny homes, six RV sites available.

Mayor Jorden said one of his concerns would be how taxing this will be for the police. He asked Mr. Marshall around what time the guests are done with the wedding? Mr. Marshall answered about 10:00 p.m. or 11:00 p.m. Mayor Jorden further asked Mr. Marshall was anything going to be put into place to help prevent partying after the wedding in the RVs? Mr. Marshall further answered the units will be outfitted with NoiseAware devices. He explained how the devices will work. He further explained if the guests do not follow instructions after being notified about the violation of the noise, then they lose their security deposit. Mr. Marshall said a few years ago at an HOA meeting in Heron Ponds residents would rather have a venue instead of more homes.

Deputy Mayor Lenox asked for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Brock Parker/Doug Marshall – New Construction Proposal – Royal Tern Drive/Kylan Barn at Heron Ponds, Delmar, MD, with the following two conditions: 1.) The RV sites include the referenced mobile cottages. 2.) The site shall not be used as permanent residences and shall be occupied on a transient basis for no longer than 14 consecutive days. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

3. **Chris Brown/Ryan/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation B – Lot 350, 9349 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation B – Lot 350, 9349 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/Columbia/Elevation A – Lot 360, 9329 Mulligan Way, Delmar, MD** – Ms. Brown withdrew this submittal.
5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 84, 9423 Rolling Green Drive, Delmar, MD** – Ms. Brown withdrew this submittal.

Deputy Mayor Lenox reminded Ms. Brown that the Planning and Zoning Commission asked last month about the street tree planting at Wood Creek. He asked Ms. Brown did she have any information on that? Ms. Brown answered the landscaper hopes to be all planted out by

May 27th. The landscaper has to get the trees from the nursery which is across the bridge weather permitting. Deputy Mayor Lenox further asked Ms. Brown if she knew if the homeowners were aware this was the schedule? Ms. Brown answered she is unsure. Deputy Mayor Lenox told Ms. Brown the powers that be should make the residents aware of this schedule.

Town Manager's Report

Town Manager Bynum reported as follows:

- 1.) CEO Peek assisted with navigating the Salisbury University system to get into the Circuit Rider intern program. We were able to secure a summer intern from the start of June to mid-August at no cost to the Town to electronically categorize and scan our maps in the map room. Deputy Mayor Lenox asked Town Mgr. Bynum-King if we already have the hardware and software? Town Mgr. Bynum-King answered yes, we do.
- 2.) The Joint Council meeting is on May 23rd at 6:30 p.m. which will be the FY23 Budget Public Hearing. Delmar, DE and Delmar, MD will be conducting all other regular business at that meeting because there will be no Utility Commission, DE or MD meeting in the month of June. All regular meetings will resume in July.
- 3.) Offices and services will be closed on May 30th Memorial Day, June 20th Juneteenth Day and July 4th Independence Day.
- 4.) July 12th through July 30th the USSA Nationals games will be played at Mason Dixon. There is no schedule at this point but once we receive it, it will be advertised on the Town Facebook, Website and we will make sure you all have a copy for your conveniences.
- 5.) The WWTP received a very distinguished award at the Maryland Rural Water Association Conference this year.

Town Mgr. Bynum-King thanked the Mayor and Commissioners for their support. She said she really appreciated them all in their own uniqueness. She said great things will happen in the Town. She further said we have had some peaks and valleys but we have managed to get through it all.

She said she is thankful for the citizens and very appreciative to DBF. Josh Taylor has been her speed-dial number and has been very resourceful. He will do great things for the Town. She further said Attorney Benson is her other speed-dial and she appreciated his straightforwardness and the help he has given the Town to stay on the straight and narrow.

She thanked her husband, parents and daughter for all their support which she is truly grateful.

Council Comments

Deputy Mayor Lenox said to Town Mgr. Bynum-King that the testimonials have started and will continue. Professionally and personally, we've known each other for quite a long time. Having worked sort of in the administrative capacity in his previous life he can tell you that the work of the Town, the work of the County and all of the organizations really gets done in a day to day, every day without these lights on or without people listening on the internet. That is really when the work of

the Town is done. He further said he provided that testimonial to say that yes, Town Mgr. Bynum-King always answered the phone, that's key. She was here and she was available and just got the work done; not a lot of fan-fair, not a whole lot of attention which he thought she preferred the attention be given to others. It's the detail that gets done every day that we don't always see and we certainly don't all appreciate it but we should. We all will really miss you very much and the personal side as well but she will hear about that later.

Commissioner Shaffer said he was contacted by six young ladies, Girl Scout Troop #1331 that was started here in Delmar. They want to get involved with their community project. He said he thought it was awesome that we have people like that who want to jump in with both feet. We went over options of things they could help us out with. When you are doing a project, you look at what insurance covers, what are people authorized to do and not do. Things did not discourage these young ladies one bit. He further said he was really impressed that they have done their own independent assessment, things they saw around Town they wanted to try to address from speeding, trash, bike safety, etc. They had notes on everything. We talked about painting curbs for no parking zones, painting fire hydrants. They want to help repair the toddler park at State Str. We are going to try to work with them. WTP Superintendent, Sophia Oberton, has been great and excited to discuss and move forward with this. We are also going to try to pull some art students from the school so they can have some community service hours. We want to try to paint the fence and maybe have the art students do a little project on it. He added he liked Shawn Johnson for the pick and he would be a really good fit.

Commissioner Boothe thanked Town Mgr. Bynum-King. He said he appreciated all she had done with three new guys coming in and she made that transition and we appreciate that. He further said he has lived here his whole life and talked to her prior to becoming Commissioner. She has done a lot for this Town and it is very appreciated. He addressed the teleconference/telephone communications. He commented he realized it may not be the best scenario but that is something that the Town offers as a courtesy. It is not something that the Town has to do. We are always trying to find something better. Sometimes it can be hard to hear but he did reach out to the Laurel Star because they always seem to write articles that are pretty much spot on. When someone is in the back corner or away from the computer it may be a little harder to hear if they are not speaking loud enough. We will try to continue to work on that and make progress.

Commissioner Unsell commented that Vice Mayor Pase said she was stepping down from the Utility Commission. He strongly encouraged putting the word out on the Maryland ~~DE~~ side because we need somebody from Delmar, Maryland to fill the vacancy. ~~DE~~ Town Mgr. Bynum-King clarified that Vice Mayor Pase stepped down as the Chair for the Utility Commission. She will stay on the Commission until the end of her term. Commissioner Unsell said he misunderstood, he thought she had stepped down from the Utility Commission. He further commented he and his wife ~~Vice Mayor Pase met~~ Town Mgr. Bynum-King just about eighteen years ago when he bought his house in Wood Creek. He said if you open the dictionary under multi-tasker there is a picture of Town Mgr. Bynum-King. He further said he has not met anybody that has their finger on every aspect of their town. Be it WTP, WWTP, Public Works, sewage

problems or whatever the situation ask her, she knows and if she doesn't, she will call you back in fifteen minutes with the answer. He added he has known very few people in his life that are irreplaceable but she is pretty close to it. If we can find somebody to do 80% or 90% of her job but you won't find anybody that can do all of her job. He wished her luck in retirement.

Public Comments: -

1. Bunky Luffman commented Delegate Anderton buried the lead because when the HOR bill was passed his colleagues, 140 people, in the house of delegates gave him a standing ovation on the floor of the house. The bill has a statewide impact for counties and municipalities.
2. Darren Lombardo commented he is running for Wicomico County Board of Education at large. He described the change from traditional teaching to progressive teaching in twenty-one years which inspired him to restore traditional education without electronic devices. He also spoke about vocational trades not assuming everyone is going to college.
3. Kristin Hazel commented she is running for Wicomico County Board of Education at large seats. She spoke about getting special education services, classroom safety and financial literacy fixed as part of the curriculum.
4. Josh Taylor from DBF commented if there is an issue with Code Enforcement in emergent/urgent situations they can assist the Town as well. Whether it be architectural or structural engineering questions they are certainly available for professional backup when it comes to the safety of buildings and structures.
5. Mr. Taylor thanked Town Mgr. Bynum-King for her service. It would take about two people to replace her and she will be greatly missed.

Adjournment

Mayor Jordan 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