

**MAYOR & COMMISSIONERS**  
**October 10, 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 Fleetwood, Police Chief Barkley, Clerk II Donna Legacy and Robert Benson Town Attorney were in attendance. Guest: Maria Hobbs, Robin Bond, Penny Glasgow, Tom Bauer, Brad Gillis, Katie Smith, Andy O’Neal and Linda Morris; via teleconference Chris Brown and Tim Glass. Absent: Clerk of Council Vondell Spencer.

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 welcomed all attendees.

Mayor Jorden commented this past Sunday the Town was invited to 3C USA Church for their 20<sup>th</sup> Anniversary. He said Chief Barkley attended. He further commented he thought it was a very good service. He thanked 3C USA Church allowing the Town to attend.

Mayor Jorden mentioned this coming Thursday the Delmar Little League and the VFW is celebrating the girls little league at the ball field at 6:30 p.m. There will be fireworks, food and different things to follow. He invited everyone to the celebration. He said this event will be posted on the Town Facebook page tomorrow.

**Approval of Minutes**

A motion was made, seconded, (Boothe/Lenox) and carried to approve the September 12, 2022 minutes as circulated by roll call vote of 5 Ayes.

**Unfinished Business-**

None.

**New Business –**

Mayor Jorden read the 2022-10-10 Halloween Resolution.

Mayor Jorden called for a motion for the 2022-10-04 Halloween Resolution. A motion was made/seconded (Unsell/Shaffer) and carried by roll call vote of 5 Ayes.

Chief Barkley suggested to residents that do not want to participate in Halloween, they make sure their porch lights are off. He explained this will make everything easier for the trick-or-treaters and make sure they are not going to houses that do not participate.

Mayor Jordan read the Parks and Recreation Oath of Office and swore in Commissioner Boothe.

Mayor Jordan read the Utility Commission Oath of Office and swore in Commissioner Shaffer.

Mayor Jordan stated the Mayor and Commissioners will have their first reading of Ethics Ordinance #751 of repeal. Town Attorney Benson gave an explanation of the relatively minor changes to Ethics Ordinance #739 that the Town adopted in 2018.

Mr. Benson said the legislature mandated that the Town had to adopt by counties in general. He further gave an explanation of the purpose of this ordinance. He explained it is the same ordinance with two or three minor changes.

Deputy Mayor Lenox asked Mr. Benson if there is anything in his opinion that is substantive to this ordinance; as far as, anything the Mayor and Commissioners should be aware of in terms of how they conduct their business? Mr. Benson answered he does not believe so. The legislature is just making minor changes. Town Mgr. Fleetwood added there is a one-page summary that is attached to note what the changes are. Mr. Benson further answered the changes are procedural.

Mayor Jordan asked for a motion to adopt the first reading of Ethics Ordinance #751. A motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

### **Student Advisory –**

Lillian Frazier reported: 1.) This week is spirit week. 2.) Tomorrow is Retro 70's, 80's and 90's. 3.) Soon we have College Day. 4.) The football game is on Friday. 5.) The Homecoming Dance is 7:00 p.m. to 9:30 p.m. 6.) Football is going well. 7.) Varsity Volleyball is doing well. 8.) JV Varsity Volleyball has had most of their games.

### **Committee Reports:**

#### **Police Chief's Report**

Chief Barkley reported as follows: 1.) PD has job ads out for a PCO (Dispatcher). Recently the advertisement was run on the PD webpage and through Facebook, as well as, the school crossing guard position. Chief Barkley said there has been fairly decent traction on the PCO position. Chief Barkley further said PD has been getting some interest and he's had a few people approaching him saying they were very interested in the position. Some of the people are working as PCO's presently. PD has one application in for the crossing guard position. 2.) The recruits in the academy are doing a fantastic job. They have nine weeks left before graduation. 3.) PD's recruit that was in FTO training is now working on his own (assisted). Chief Barkley commented the recruit is going to be a positive for Delmar. The COPT (Council on Police Training) will make their

final vote on the recruit's certification tomorrow. 4.) The Homecoming parade is coming up and PD will be supporting that. 5.) The departmental golf tournament was scheduled for October 1<sup>st</sup>. Due to the weather, it will now occur on November 12<sup>th</sup>. 6.) There have been some thefts from unlocked vehicles. Chief Barkley stated if residents do not want to lock their cars than please remove valuables. 7.) The cameras at State Street Park are in the process of being repaired. One of the things that Advanced Security Solutions is waiting on is the ground has to dry out a little. 8.) On Wednesday evening at the metal shop over off the highway at 6:30 p.m. there is supposed to be a presentation of a bench for Cpl. Heacock's memorial. PD will be in attendance of that presentation. PD will also have them hang onto the bench until they are ready to unveil.

Commissioner Boothe asked Chief Barkley for an update about getting the third spot filled for the January class. Chief Barkley answered he is unsure if PD will get the January spot filled just yet. He further answered PD is doing well with taking in applications and PD never knows how it will turn out. Some people fall away for reasons of not wanting to be in police work, pursue careers with other agencies etc. PD has a new group of interest, nine or ten applications and at least four of them are female.

Mayor Jorden asked Chief Barkley had he received any update from the school on the Constable position? Chief Barkley answered no, the school does not update him much on that. Mayor Jorden responded he is aware they are working on that and hopefully that will help Officer Novak on all he is doing at the school.

Commissioner Shaffer asked Chief Barkley are there any updates being done at State Street Park? He further asked if we had prior problems with the bathroom at one point. Chief Barkley answered the camera doesn't really look down on the bathroom. At some point if we can come up with the funding, we can put an additional camera up in the park. Chief Barkley further answered the biggest thing is figuring how we are going to power the cameras and adding radios to push the signal back to the PD. Even with the new cameras coming in they are a little over \$4,000.00 apiece.

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

A conversation ensued about being out of districts.

Mr. Johnson said November 5<sup>th</sup> is the FD fundraiser. There were 5,000 tickets sold out in two and a half weeks. He further said at the last FD last month meeting they did approve the purchase of 107-foot area Pierce fire truck for \$1,499,000.00 because they cannot reach the buildings in Town. Mr. Johnson mentioned truck 74 will be sold which is a 1994 that was refurbished in 2008. A conversation ensued.

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

Commissioner Shaffer asked how we can make sure when there is a violation, if there was fire involved, we can make sure we get paid. A conversation ensued.

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

## Utility Commission

Commissioner Unsell reported: 1.) The Phase I sewer main replacement was rewarded which will be about a six-month project and will be starting soon. It is expected to see a 10% to 15% improvement in the I&I issues which will be a good step in the right direction. 2.) There are four nonfunctional hydrants left. Two will be replaced entirely. Commissioner Unsell said before this meeting he spoke with Town Mgr. Fleetwood and we are now down to four nonfunctional hydrants and two will be capped because they are not needed in an area that has not been developed. The other two will be fully replaced. 3.) October 19<sup>th</sup> there will be a ribbon cutting for Pizza King and everyone is invited at 2:00 p.m.

## Planning & Zoning

Deputy Mayor Lenox reported:

1. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation C – Lot 357, 9335 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation C – Lot 357, 9335 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

2. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 360, 9329 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 360, 9329 Mulligan Way, 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 Home Build – Wood Creek/Bramante/Elevation K – Lot 379, 9316 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation K – Lot 379, 9316 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/Bramante/Elevation A – Lot 381, 9320 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 381, 9320 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 394, 9356 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 394, 9356 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

6. **Tim Glass, Lane Engineering/CF Land Holdings, LLC (owner) – Climate Controlled Self Storage Facility– Sandbar Lane, Delmar, MD** – Mr. Glass presented a self-storage facility. Deputy Mayor Lenox mentioned this is a preliminary plan for a development for a climate controlled self-storage facility.

Mr. Glass said he and the developer CF Land Holdings, LLC have been working on this project since the beginning of the year. Back in May they went in front of the Planning and Zoning Commission for a Concept Plan. He further said they went in front of the Planning and Zoning Commission again for a preliminary plan review which, as noted, was recommended for approval.

He explained essentially there are three commercial lots on Sandbar Lane which back up to Rt. 13 South. The plan is to build climate-controlled self-storage buildings in two phases. The first Phase would be a 50,000 gross square foot building with parking, access to Sandbar Lane, utilities, water/fire service and sewer. A future phase would be a separate additional building at 30,000 square feet on what would be Lot 3 which is the most northern lot. All the design and layout has been coordinated for cross access and access points out to Sandbar Lane.

Mr. Glass further explained they have provided what they believe to be ample parking for both of those buildings, offloading areas for the building and convenience in and out of the building. Also, they have gone through and addressed the stormwater management and sediment erosion control designs, which will handle the water quality treatment as required per MD DSD requirements. Also being proposed is microbial retention landscaped features around the building and parking area to basically capture runoff and treat it before released into the public storm drain system.

He mentioned there is an existing tree line existing on the lot that borders Rt. 13 South. The plan is not to remove all those trees or try to leave some of those there as a buffer. Mayor Jordan asked if there was going to be an office at the facility? Mr. Glass answered yes and a small single hall bathroom for convenience. There will also be a space for a manager there onsite.

Deputy Mayor Lenox provided the Planning and Zoning Commissions recommendation/conditions:

- 1.) The execution of a Public Works Agreement with the Town.
- 2.) Inclusion of a lighting plan.
- 3.) Delmar Fire Department site plan review. Also, this Commission recommends favorably to the Board of Zoning Appeals for the required special exception.

Commissioner Unsell asked will the buildings have sprinklers? Mr. Glass answered that is correct those buildings will both have sprinklers.

Commissioner Shaffer commented he just wanted to make sure the fire trucks can get out and around and radiuses. Also, with the FD new truck that they ordered we have to make sure it fits.

Mayor Jordan asked Mr. Glass would all the storage units be inside? Mr. Glass answered that's right, it's a one-story building with a pitch gable roof at either end wall. There are a couple/few larger roll-up door to access the inside. Then the inside is broken-up to all the different storage, lease areas, hallways different sized lockers and so forth, it's all climate controlled.

Mr. Glass added he finally made contact with the Delmar FD and spoke to a lady there that took the message to try to pass it onto someone. He further added he was trying to find out a contact to get plans to for review. Mr. Glass said he hasn't heard from them yet. Also, they did lay out the site in accordance with NFPA1 which covers a whole myriad of building perimeter lengths, access perimeter lengths based on sprinklers, buildings, FD access, roads, distance to the front door, etc.

He noted they did run a truck turn movement for a standard fire engine through there just to make sure the turning radiuses would work. He further noted they are looking forward to closing that with the FD and getting what other comments they might have. Deputy Mayor Lenox assured Mr. Glass he would get the direct contact on that.

Deputy Mayor Lenox called for a motion to accept the Planning and Commission's favorable recommendation to approve – Tim Glass, Lane Engineering/CF Land Holdings, LLC (owner) – Climate Controlled Self Storage Facility – Sandbar Lane, Delmar, MD, with the conditions noted. A motion was made/seconded (Unsell/Boothe) and carried by roll call vote of 5 Ayes.

## **Town Manager's Report**

Town Manager Fleetwood reported: 1.) There are complete mail packets in the back and they are also available online. 2.) At the Mayor and Council meeting last Tuesday Council Member Kemp asked if we were going to replace the trees that were taken out at State Street Park? Town Mgr. Fleetwood answered yes and he has graciously donated whatever trees we need at no cost to the Town. 3.) Over the course of two weeks all the concrete work in Town, sidewalks and curbing, that had been disrupted because of water leaks has been repaired. 4.) Asphalt is scheduled for repair November 7<sup>th</sup>, patchwork on the streets because we have repaired a number of water leaks. 5.) October 19<sup>th</sup>, P, K. Pizzeria, everyone is invited, community as well, to a ribbon cutting that the Chamber of Commerce is having. 6.) Phase I of the sewer main replacement, that work has been awarded to a contractor in Dover. There will be plenty of advertising in reference to the streets in Town when this process starts. An RFP is going out for street paving in MD and DE. Majority of the paving will be done in MD. 7.) The south water tower was recently drained and cleaned on the inside. It has been filled back up, tested, passed and is now back online. 8.) Town Mgr. Fleetwood publicly thanked Jessica, Director of the Delmar Public Library, for hosting the October 3<sup>rd</sup> DE Election. The intent was to have the election in DE and to have residents actually see the library. 9.) State Street Park condemned playground equipment has been removed. The new equipment is on order, which is supposed to arrive between the middle to end of November and install to take place shortly thereafter weather permitting. The plan is to get the fence painted, new playground equipment, new State Street Park sign, Cpl. Heacock memorial and bench, all the 4 by 4 throughout the park that have electric hook-ups cleaned up as well. So, sometime in December when we have decent weather, we can do a major rededication of the park and the public is welcome to attend.

Mayor Jorden congratulated the newly elected DE Mayor and Council Members. He commented MD is excited to get to work with the newly elected officials.

## **Council Comments**

Commissioner Boothe said he contacted Town Mgr. Fleetwood about Breckenridge storm drain issues with catch basins. PW was asked to evaluate one catch basin. He further said he received a phone call that PW went above and beyond and evaluated all of the catch basins. He mentioned PW, Dan Majors and two of the part-time employees did a really good job.

Commissioner Boothe mentioned he contacted Town Mgr. Fleetwood about the bad potholes on Connelly Mill Road with the trucks, water and after the storm. The day after PW, Director, Robert Buck and PW employees fixed about 7-8 potholes. They also went out and cut the grass on Connelly Mill. He further mentioned there were a couple of residents upset but this was during Ian coming through and the grass would not be cut in the rain. The Town has really good people in the PW Department.

Town Mgr. Fleetwood asked when residents see something in Town that doesn't look right call Town Hall, stop in, let's work together.

Commissioner Unsell commented he was on the search committee that found Chief Barkley and among the majority that unanimously chose Chief Barkley. He further commented he is really

happy to have Chief Barkley here in the Town of Delmar. He said Chief has done an outstanding job since he has been in the Town. The committee picked a guy who was a big improvement and the same for Town Mgr. Fleetwood. He further said he thought that another person would have been a better choice but after he got in the Town Mgr. position and demonstrated his abilities the search committee did an excellent job choosing him.

He mentioned the elected officials never got a weekly update from the previous Town Mgr. so that is a pleasure; to have somebody that gets that out; the Town Mgr. is doing a great job.

Commissioner Shaffer said he wanted to see what we can do to get Oaked 54, these guys, some kind of MOU. As a business owner he has watched prices go up. He further said he is aware of the lead time on that period. He really doesn't see why they cannot try and put a good foot forward for these guys. He mentioned Commissioner Unsell took a huge step with the Utility Commission to help them out and came up with a payment plan. That's a huge step to help businesses come to Delmar. He further mentioned everybody he has talked to about Oaked is excited about it and he has not heard one negative thing about it. He commented he thought it would be good if we can get Oaked here and he thinks it would elevate the Town's commercial growth.

Commissioner Shaffer further commented it would be a good progress moving forward for the Town, twenty to thirty jobs potentially. He said he liked that aspect of it because the Dr.'s office out on Rt. 13 is up for sale and there are people there that lost jobs. It's been four to five months since that Utility Commission meeting. He further said he understands interest rates are going up but if we can just offer this up with some peace of mind somehow to keep things moving forward for these guys, so at least they can go and talk with their financiers.

Town Mgr. Fleetwood noted this is not easy. Right now, the Town is running on 720,000 gallons of water per day. Until we get a solid plan on what we are going to do for the next five years with MDE and he is very leery because if we just arbitrarily say it's only for example 10 EDU's, it's not a big deal the question he has is for the small developer out here that wants for example 10 EDU's. There is a major decision that is going to have to be made very soon.

He asked the Mayor and Commissioners with sincerity if we can keep our foot on the break right now until we get this response letter sent to MDE regarding the issue that we have because what he does not want to portray is that it is not a big deal. A conversation ensued. Deputy Mayor Lenox asked what is the Town's design capacity? Town Mgr. Fleetwood answered 850,000. Town Mgr. Fleetwood explained the major I&I issues. A conversation ensued.

Commissioner Boothe elaborated that Yorkshire was originally 252 units and he is unaware of how that breaks down into EDU's and actually used 192. So, there are EDU's that were purchased from the original sale that are not currently being used. So, as far as that side of it goes, in his opinion, if a developer has purchased EDU's regardless of whatever place that he's at, if he is not currently using those EDU's and he gets a letter drawn up or whatever legally that has to be done to say we have no more future plans at this development to move forward he's already purchased those EDU's. So, we are telling a developer that he cannot use what he has already purchased. So, in that aspect is how he felt on that. He said he agreed with Commissioner Shaffer. He further elaborated that we need to get this project started.



Mayor Jorden asked if we have an EDU amount for the restaurant? Town Mgr. Fleetwood answered we feel comfortable with 8 with a re-evaluation after 12 and 24 months. The fact of the matter with that particular developer when we had a discussion square footage and seats with formula that is provided by MDE it equated to 20 EDU's. We also told that individual that the comparable in Snow Hill, MD, get us the flow data and we will work with him.

Town Mgr. Fleetwood further answered the biggest issue is the water that flows into the WWTP. The number of EDUs, in his opinion, is not the biggest equation, the biggest equation is the water that actually goes onto Connelly Mill Road into that plant.

Deputy Mayor Lenox commented we are running flows at 720,000 and the design capacity is 850,000 at a difference of 130,000 we all know that there are plans out there that equate to much more than 130,000. Town Mgr. Fleetwood agreed. Deputy Mayor Lenox asked as a group how are we going to allocate that? It seems pretty clear we do need to develop an overall allocation policy.

Deputy Mayor Lenox said in his opinion, we do not need any more residential, prioritize commercial and prioritize residential as infill. That will take care of the lots that are in the center core, not to extend the Town further out into the county but we have to come to some sort of agreement on that. He further said in his opinion, this particular project would rank very high in that allocation. He mentioned he is comfortable proceeding with some sort of statement to them that we will make that available, whatever it is MDE's calculation not the private property owner. If it is 8, so be it. We do have to formalize coming together in a more formalized setting and in his opinion, that is important for MDE to hear as well.

Deputy Mayor Lenox stated to Commissioner Shaffer he is comfortable if he wanted some correspondence that indicates that availability for us moving forward. Mayor Jorden asked when do we think we will have a solidified number of EDUs and all the development going on? Town Mgr. Fleetwood answered what's been approved and what's planned; 801 EDU's times 250 and add that to the 720,000 and that equals over one million dollars. Commission Member Shaffer asked is that pending a PW agreement? Town Mgr. Fleetwood further answered that's correct. A conversation ensued.

Deputy Mayor Lenox stated they need to write up how they are going to divide what they do have and also what Town Mgr. Fleetwood talked about involving the I&I. He further stated when using 80% capacity it doesn't mean stop. It means you have to proceed and deal with future needs. Town Mgr. Fleetwood agreed. A conversation ensued.

Mayor Jorden asked for a motion to approve an acceptance letter for the development for Oaked 54 for 8 to 10 EDUs to be re-evaluated after twelve months and twenty-four months. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

### **Public Comments:**

- 1.) Tom Bauer thanked the Mayor and Commissioners for acknowledging them and he said it's appreciated.

- 2.) Linda Morris asked how DE played into the decision about Oaked 54? She stated she liked Jeff's suggestion on how we are giving EDU's and having an EDU policy to be fair across the board and she is hoping that MD will include DE on that policy. Mayor Jorden answered yes, they will include DE.
- 3.) Linda Morris asked with the storage facility, preliminary plan, that as approved in this meeting, why are we considering new things if we are so close to the threshold on EDUs and I&Is? Mayor Jorden answered this is a very preliminary plan so we have plans in place to fix the I&Is over the next couple of years. Deputy Mayor Lenox added we do not have a policy in place to say don't even bother. Linda Morris responded than we need a policy so we can be up front and honest. She questioned how long are the sewer main projects going to take. Town Mgr. Fleetwood replied three to six months each and eight million dollars shy. A conversation ensued.
- 4.) Commissioner Unsell commented with Vice Mayor Pase and Council Member Smith gone on the Utility Commission we have two openings on the DE side. We need to get those seats filled.
- 5.) Brad Gillis introduced himself and stated he is running for Wicomico County Council at large and shared his background, family history and reason for running. He commented as far as the policy there is two problems. A conversation ensued  
  
In regards to the storage facility that's probably one quarter of an EDU if that. As far as the policy, the thought would be to have a policy for MD and DE that says where do we grow. He gave more examples of the policy.
- 6.) Maria Hobbs commented her girl scout troop is the one that is helping revitalize State Street Park right now. A lot of the concerns the girl scout troop was talking about were safety with cameras, lights, vandalism and smoking. There was an incident a few weeks ago at Gordy Park. The little boys that were bullied and harassed that day was her daughters bestfriend and had she not been cheerleading that night she would have been with the little boys that were bullied and harassed. There have been several incidents at Gordy Park with assaults and kids fighting, etc. At night Gordy Park is dark so she would really like it if the Town could light the park up so the officers can see what's going on out there, camera systems, etc. She further said she would like to see more officers at the park interacting more with the kids, etc. Mayor Jorden responded they are aware and it's definitely a problem. A conversation ensued.

## **Adjournment**

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

Submitted by:

Clerk of Council