

MAYOR & COMMISSIONERS

September 9, 2019

Mayor Wells called the scheduled meeting of the Mayor & Commissioners of Delmar, Maryland to order at 7:00 P.M. In attendance were Mayor Wells, Deputy Mayor Unsell, Commissioners Scholl and Lenox, Town Manager Bynum-King, Fire Dept. Chief Johnson and Town Attorney Benson. Absent: Commissioner Tucker, Police Chief Barkley and Clerk of Council Fisher. Guests: Chris Brown, Doug Marshall, Stacey Hart, Kevin Boothe and Ken Shockley.

Call to Order

The Maryland Mayor and Commissioners performed the Pledge of Allegiance.

Mayors Comments

Mayor Wells administered the Oath of Office to the Maryland Board of Election Supervisors; Sara Hughey, Carol Wenkel and Jeanie Stitt.

Approval of Minutes

Commissioner Lenox made a motion to approve the August, 2019 minutes as circulated. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

Unfinished Business

Town Manager Bynum-King that she is still working with the Historical Society for the caboose restoration. She is actually working with the contractor to reduce the amount of the bid since the Historical Society was donated as much white pine as they needed. She asked Doug Niblett to take a look at the roof to give his expert opinion on whether the caboose roof could be repaired or if it needed to be replaced. He assessed the roof and confirmed it needed to be replaced.

New Business

Stacey Hart & Assoc.- Concept Plan-Delmar Assisted Living Facility- Construction of a 16 bed facility

Ms. Hart stated that she provided the site plan and floor plan with elevations for review. The property was annexed into Delmar and the Town is supposed to provide services. There are 2 buildings currently on the property. The proposed 16 bed facility will have the same access using the same entrance as the existing buildings. A parking area is already established. Ms. Hart stated she is here this evening to present the expansion concept plan. The original master plan for the Assisted Living Facility during the time of annexation shows a total of 5 buildings, however there are no plans to buildout the last 2 buildings in the near future. She said she was aware of the existing I&I issues affecting the wastewater treatment plant. The existing buildings are tied into the Town sewer and she has been working with DB&F for additional EDU's to serve the expansion project.

The Commission was grateful for the services they provide and are fine with her moving on to the Planning and Zoning Commission.

Permit to Display Fireworks- 30603 Dusty Lane, Kylan Barn, Heron Ponds, Delmar, MD.

Mayor Wells read the permit to display fireworks for Kylan Barn located at 30603 Dusty Lane, Delmar, MD from 8:30 p.m. to 9:00 p.m. on the evening of September 14, 2019. All the Elected Officials present signed off on the permit.

Mayor Wells stated that the Fall MML Conference is on the same date as the Commission's meeting. She said that Commissioner Tucker informed her that he was going and she knew that Deputy Mayor Unsell was going. She wanted to see if any other Maryland Officials were going to ensure they would have a quorum for their October meeting. Town Manager Bynum-King said that she was not aware of Commissioner Tucker signing up for the Conference but that doesn't mean that he hasn't, she will reach out to him to make sure the registration forms are completed and turned in. She added in agreement with Mayor Wells, as long as there are at least 3 members attending the meeting, then there will be a quorum.

Student Advisory Report

Mayor Wells reported that the new Student Advisor will be here at the October meeting.

Police Chief's Report

Town Manager Bynum-King said that Chief Barkley was attending the Chief's Conference at MML. He sent no one to give a report in his absence. Mayor Wells reviewed the statistics he submitted in the mail packet.

Parks and Recreation Report

Mayor Wells reported that there was not a quorum for an August meeting.

Code Enforcement Officers Report

Mayor Wells reviewed the report that was included in the mail packets.

Fire Department Report

Chief Johnson reported that there were 43 fire calls last month. He spoke about the structure fire on N. Second Street on the Delaware side. He is asking the Town to mandate that everyone who has a rental property in Delmar, Maryland or Delaware, to have up-to-date smoke detectors, regardless of the age of the structure. Usually the tenants will take the batteries out of the detectors and use them for other electronics. He stated that he is hoping to receive grants so the new detectors will be given out at no cost.

Chief Johnson stated that the traffic from the morning school drop-offs and afternoon pick-ups is backing up to Foskey Lane as well as onto Bi-State Blvd. When discussing this with the Commission, Mayor Wells said that a new change should have taken place this school year and that change is that after dropping off the children at school in the circle there are to be right-hand turns only leaving the school. Dropping children at school from the street is no longer permitted.

Town Manager Bynum-King said that she will contact the gentleman, with the Wicomico County Board of Education Traffic Department in charge of traffic control and design and see if possibility a meeting could be set up with all parties involved to discuss our issues and hopefully come up with a future plan going forward.

Chief Johnson did say that the new fire truck has arrived.

Utility Commission Report

Deputy Mayor Unsell reported that the construction portion of the Grove Street Water Main Upgrade project is

complete. He said that the Town Manager did attend the Wicomico County Council Public Hearing regarding the amendment to the County's Water and Sewer Plan for the addition of the Delmar Assisted Living Facility to be included in the Town's service area. The County Council did approve the amendment to the Plan.

The Stage Road Water Main Extension Project has been awarded to ECM and a pre-construction meeting was held on August 28th.

Public Works Report

Mayor Wells reviewed the report that was included in the packets.

Planning & Zoning Report

Commissioner Scholl reported on the following:

Chase Dykes- New Home Build on Lot 1- W. Elizabeth Street and S. Memorial Street, Delmar, MD

Commissioner Scholl indicated that Mr. Dykes was not present this evening. There was no action taken by the Commissioners.

Chris Brown- Ryan Homes- New Home Build on Lot 220 located at 30682 Green Heron Way, Heron Ponds, Delmar, MD

Upon reviewing the documents and hearing no comments, Deputy Mayor Unsell made a motion to approve the favorable recommendation from Planning and Zoning for the new home build on Lot 220 located at 30682 Green Heron Way, Heron Ponds, Delmar, MD, per the attached drawings. The motion was seconded by Commissioner Lenox which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New Home Build on Lot 221 located at 9474 Heron Ponds Parkway, Heron Ponds, Delmar, MD

Upon reviewing the documents and hearing no comments, Deputy Mayor Unsell made a motion to approve the favorable recommendation from Planning and Zoning for the new home build on Lot 221 located at 9474 Heron Ponds Parkway, Heron Ponds, Delmar, MD, per the attached drawings. The motion was seconded by Commissioner Lenox which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New Home Build on Lot 157 located at 9520 Mourning Dove Way, Heron Ponds, Delmar, MD

Upon reviewing the documents and hearing no comments, Deputy Mayor Unsell made a motion to approve the favorable recommendation from Planning and Zoning for the new home build on Lot 157 located at 9520 Mourning Dove Way, Heron Ponds, Delmar, MD, per the attached drawings. The motion was seconded by Commissioner Lenox which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New Home Build on Lot 115 located at 9507 Mourning Dove Way, Heron Ponds, Delmar, MD

Upon reviewing the documents and hearing no comments, Deputy Mayor Unsell made a motion to approve the favorable recommendation from Planning and Zoning for the new home build on Lot 115 located at 9507 Mourning Dove Way, Heron Ponds, Delmar, MD, per the attached drawings. The motion was seconded by Commissioner Lenox which passed with 4 ayes and 1 absent.

Parker & Associates- Re-Subdivision Plat for Lots 226-301 in Heron Ponds from Duplexes to Single Family

Homes, Heron Ponds, Delmar, MD

Mr. Doug Marshall stated that he wanted to turn the 36 duplexes into 36 single family homes. The Special Exception that was granted to them gave them the right to condense the Lot sizes for the duplexes. He wishes not to exercise that right. Commissioner Lenox said that if Mr. Marshall has not exercised the building of the townhouses, the Special Exception may have expired.

Mr. Marshall said that the Special Exception was given to them to make it so that only single family homes could be built along Rt. 54. He is stating that he does not want to exercise the right to condense the Lots. He just wants to do what is already allowed. He doesn't feel that he should have to go before the Board of Zoning Appeals.

Town Attorney Benson stated that he does not have a problem with what Mr. Marshall is suggesting as long as Mr. Marshall, as the owner of the property, doesn't. But he feels a letter needs to be submitted to the Town stating that Mr. Marshall wishes to waive the rights given to him by the Special Exception, so that it is in the record. Mr. Benson instructed Mr. Marshall to email a copy of the letter to him before he sends it to the Town.

Deputy Mayor Unsell made a motion to approve the favorable recommendation from the Planning and Zoning Commission for the re-subdivision of Lots 226-301 in Heron Ponds from duplexes to single family homes in Delmar, MD per the attached documentation. Commissioner Lenox seconded the motion which passed with 4 ayes and 1 absent.

Commissioner Scholl informed the Commission of another matter that was discussed at the Planning and Zoning Commission. Mr. Marshall and Parker & Associates presented a concept site plan for the Bronza Parks Historical Memorial in Heron Ponds. It has already been before this body. Planning and Zoning gave the green light for Mr. Marshall to move forward with his plan.

Mr. Marshall stated that he wants to move the boat to Heron Ponds on the amphitheater side and build a canopy for it. He stated that he is also working on a site plan for another wedding center at the back of Heron Ponds that will be green-housed themed.

Mr. Marshall stated that the boat will be hauled to the Barn and Country Store on the other side of the pond. It's a long distance to run water and sewer from the Kylan Wedding Barn. Maybe in a year or two he will ask to annex the Barn and put a pump station there. There is parking already available at the Country Store.

The Commission thanked Mr. Marshall for his input.

Town Manager Report

The Town Manager reported that on Wednesday September 4th, she met with John Petito (?) from Delmarva Power and discussed the second phase of the installation of LED street lights. She had submitted an application to DP&L last week. As soon as the map is available of the Town and the placement locations of the LED lighting, she will make it available to the Elected Officials. Delmarva Power is also working on having the trees trimmed back around the street lights.

Town Manager Bynum-King stated that she and Mr. Petito also discussed EV Smart Stations. He also left some literature on the subject. These are charging stations for electrically charged vehicles. He asked if the Town was interested in having 1-2 sites in Town. If we were interested, the Town would have to provide a lit site, with a paved area and close to one of the shopping centers. It typically takes a couple of hours to fully charge a vehicle

and being close to a shopping center would give the drivers something to do.

He did say that the Town of Hurlock has a Smart Station. This is free but we would have to go through Delmarva Power and there would be a charge for the drivers. She doesn't know of any property the Town owns that is already paved and lit other than our own municipal areas conducive for that set-up. There would be no cost to the Town to have it installed. If the Town had a location and desired to participate with the EV Smart stations, DP&L would do an assessment of the property to ensure it is a good site, prior to granting approval.

The Town Manager stated that the annual audit is underway and the auditors will be on-site for the next few weeks.

She also informed the Commission that on September 10th, she will have a meeting with Alan Smith regarding a yard office for Carload Express. They are looking to locate their office on the Delaware side. They are no longer looking at the location on Foskey Lane and Pennsylvania Avenue. They are looking to have their own space with easy access to the Town's water and sewer.

The Town Manager informed the Commission that at the August Department Head meeting, she discussed with Chief Barkley that the beginning of October will start the last year of funding for the SRO at the high school. She asked Chief if he was going to seek additional funding from another grant. He stated to her that he would look into additional funding options to see if it is a possibility. If so, he would do so.

She also stated that she had the Director of Public Works contact Dallas Baker with Wicomico County Public Works in regards to asking for assistance with trimming back the bushes along Stage Road. The Town does not have the proper equipment. The bushes and vines are hanging over the roadway. Mr. Baker said that they would try and assist the Town however they could. Town Manager Bynum-King said that Chestnut Street extended to the Foskey Lane area is the largest target area to be trimmed.

Delmar, MD has joined Wicomico County with their "Wicomico Goes Purple" campaign. The kick-off was on August 30th at the Perdue Stadium. The Town has purchased some of the signs to put up around Town. We have not received those signs as of yet. There is a banner up in the Town Hall lobby. The Town did receive a temporary sign permit to put the signs up around Town.

Heritage Day is fast approaching. Any support the Elected Officials can provide would be greatly appreciated.

Mayor Wells stated that the Homecoming for the high school is early this year. She asked if the school has applied for a parade permit. Town Manager Bynum-King said that Ilah Preston submitted the application at the end of last school year. The Town Manager did say that Mayor Houlihan will not be able to participate in the Homecoming parade since he is participating in the Delmar Police Department's Golf Tournament. Mayor Wells stated that maybe she should get a committee together on decorating the trailer. She is not sure who all will be attending. She said that she would send out text messages to everyone and see if the trailer is needed.

Mayor Wells asked for an Executive Session for personnel matters after this meeting.

Public Comments

Shawn Johnson asked if anything could be done about the parking situation at a house on Chestnut Street. No one could see around the corner for on-coming traffic. There are usually 4-5 cars parked on the side and sometimes the cars are not completely off the road. The cars pull into the property from Bi-State Blvd. Town Manager Bynum-

King said that a while back, the Community Development Coordinator had sent a letter to the house in regards to the cars parking in the yard blocking the vision of motorists of traffic. She said she would check into the situation.

Adjournment

Upon hearing no more comments, Commissioner Scholl made a motion to adjourn out of regular session into Executive Session. Deputy Unsell seconded the motion which passed with 4 ayes and 1 absent.

Those present during the Executive Session were Mayor Wells, Deputy Mayor Unsell, Commissioners Lenox and Scholl, Town Manager Bynum-King and Town Attorney Robert Benson. Mayor Wells said that she called the Executive Session to have Mr. Benson to give the Commissioners an update on a current legal matter pertaining to personnel. Mr. Benson gave the status report to the Commissioners. Mayor Wells called for a motion to return into regular session. Deputy Mayor Unsell made the motion and it was seconded by Commissioner Scholl.

Mayor Wells called for a motion to adjourn. Commissioner Lenox made the motion and it was seconded by Commissioner Scholl.

Submitted by:

Cindy Fisher

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Clerk of Council

(Via audio recording)