

**MAYOR & COMMISSIONERS**  
**May 13, 2024**  
**MEETING HELD IN-PERSON AND VIA TELECONFERENCE**

Deputy Mayor Lenox 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 Commissioners Boothe, Shaffer, and Nembhard. Town Manager Fleetwood, Town Attorney, Robert Benson, Chief Ivan Barkley, Town Engineer, Josh Taylor, and Clerk of Council Vondell Spencer were in attendance. Guests: Lloyd Unsell, David N. Honick, Esq., Peter Golba, Esq., Jeanie Ward, Darrin Wyatt, Kyle Lankford, Ken Shockley, Daveta Witcher, Mayor Bauer, and Vice Mayor Jones. Absent: Mayor Benjamin Jordan.

Deputy Mayor Lenox led the Pledge of Allegiance.

**Mayor's Comments** –

Deputy Mayor Lenox commented Mayor Jordan was absent this evening but he will do his best as well as his colleagues to fill in for him.

**Approval of Minutes** –

A motion was made, seconded, (Boothe/Nembhard) and carried to approve the April 8, 2024 meeting minutes as circulated by a vote of 4 Ayes 1 Absent (Jordan).

**Unfinished Business** –

**Early Learning Center**

David N. Honick, Esq. stated he is present to speak on behalf of Ms. Daveta Witcher and Mr. Ken Shockley on the proposal for the Early Learning Center located at 500 S. First St. Mr. Honick discussed at length Ms. Witcher's inherent use by right, the right referenced in the code and allowances provided in Section 5A-4, instruction for at least five days each week for a normal school year of not less than seven months, the project meeting the minimum area requirements as shown on the site plan, and the parking requirements that are met.

Mr. Honick further discussed purchasing the property in tax sale and paying the cost of foreclosure, the fore right of redemption which he had the honor of helping Ms. Witcher with, Ms. Witcher's business plan, acquiring a loan, paying to develop the property, acquiring proper certificates from the State Board of Education, curriculum, Ms. Witcher being qualified as a holder of a Bachelor's of Science in Early Childhood Education, the entire schedule of the Delmar Little League, traffic safety problems due to the width of the road, traffic concerns on days and times when there are Little League Games at Mason Dixon Sports Complex, providing a written restriction for the number of kids allowed for the facility at any one time which is 30 kids, and who should be held responsible for the width of the road.

Mr. Honick noted for the record exhibits for the Commission to consider which were: The Little League schedules for 2024 that show no time conflict, Ms. Witcher's educational certificates, communications between Ms. Witcher and staff, photographs of the parking that occurred on Ms. Witcher's lot during the Little League games, and 5 documents showing that early learning centers are good for communities/children. The exhibits were accepted for the record.

Commissioner Shaffer noted for the record that no one from this body mentioned anything about Little League use. He said that was stated by the public. Mr. Honick responded he was basing statements off of his personal observations, the pictures, and statements from Ms. Witcher that there is regular parking there when there are Little League games.

Commissioner Shaffer stated the emergency response is the biggest concern as far as road width, which Mr. Honick mentioned. Commissioner Shaffer suggested having a plan submitted through the Town of Delmar Engineer, Josh Taylor, and have Mr. Taylor review the entrances, turning radiuses, and exits to make sure everything can be supported. Mr. Honick said he wanted to address the tree branch that is hanging over S. First St. He further said the tree will be removed completely.

Mr. Shockley agreed to submit the revised site plan to Town Mgr. Fleetwood and Town Engineer, Josh Taylor.

Deputy Mayor Lenox stated he would prefer the proposal stay with the Mayor and Commissioners to be handled from this point. From the preliminary site plan the Planning and Zoning Commission recommended approval of the preliminary site plan with conditions. He said this body is not ready to approve the preliminary, they want to see how those conditions are progressing. When that is complete there will be a staff review, public advisement of any discussions, and that will come back to the Mayor and Commissioners for approval of the preliminary.

Town Attorney, Robert Benson stated the zoning issue has been clarified. The issue now is the site plan which is to be reviewed by the town engineer. Once the review is completed then it is presented back to the town commission to do a final approval on the site plan. Town Engineer, Josh Taylor said he will expedite their review. Mr. Benson stated this property is in an R-1 residential district, a school of general instruction is of permitted use. The town may want to consider amending the code to place a school of general instruction perhaps as a special exception use so that if a similar situation were to arise in the future the town could have some discretions to whether or not it will be permitted or the Board of Zoning Appeals will have it at that their discretion. He further said it has no discretion on this applicant but for future conversations that maybe considered.

Lot 117A Stage Road – Darrin Wyatt and Lots 1-9 and 120 Bi-State Blvd. Kyle Lankford  
Peter Golba, Esq. stated he is representing both Mr. Darrin Wyatt and Mr. Kyle Lankford. Mr. Wyatt said Mr. Kyle Lankford is involved because it is a neighboring property. Deputy Mayor Lenox noted Mr. Lankford from Ampz Electrical Service, LLC. is present.

Mr. Golba discussed the two properties belonging to Mr. Kyle Lankford and Mr. Darrin Wyatt, community business district, special exception for the contractor's yard, Seal Tech owned by Mr. Wyatt, Mr. Wyatt moving his entire business to the above location, sewer hook-ups on Stage Rd.,

well installation until municipal water is available for tie-in, Mr. Lankford's building a large building for four separate businesses on his property, sewer fees to hook-up, sewer lines and well locations, Resolution No. 2007-12-1 referencing annexation, and a Sewer Use Ordinance. A lengthy discussion occurred.

Deputy Mayor Lenox called for a motion to approve the request of Darrin and Beth Wyatt relative to lot 117A Stage Road, Delmar, Maryland to allow for the construction of a commercial building that would be served by town sewer and by private well until such time public water is abutting the property. A motion was made/seconded (Boothe/Shaffer) and carried by a vote of 4 Ayes 1 Absent (Jorden).

Deputy Mayor Lenox called for a motion to approve the request Ampz Electrical Service, Kyle Lankford, Lots 1-9 and 120, Bi-State Blvd., Delmar, Maryland as submitted to allow for the construction of a commercial building that would be served by town sewer and by private well until such time public water is abutting the property. A motion was made/seconded (Nembhard/Shaffer) and carried by a vote of 4 Ayes 1 Absent (Jorden).

Deputy Mayor Lenox noted Mr. Lankford still has to go through the process of a special exception. Deputy Mayor Lenox stated that Mr. Lankford needed to speak with the Fire Marshal early on because the domestic well being referenced probably has to have a large pump and larger tank.

### **New Business –**

#### **Public Works Proclamation**

Deputy Mayor Lenox read the Public Works Proclamation and declared May 20<sup>th</sup> through May 24<sup>th</sup> Public Works Week.

### **Committee Reports:**

#### **Police Chief's Report –**

Chief Ivan Barkley reported as follows: 1.) Last month there were a lot of accidents. There were days when PD was responding to four. 2.) The electric is complete on the PD gates and everything is in order and going well. 3.) The academy recruits are doing well awaiting graduation on June 14<sup>th</sup>. Lt. Bond will be representing the department on stage during the graduation. Chief Barkley said he will be out of town on that date. 4.) Officer Kevin Doman is progressing well in his field training. Mr. Doman is awaiting one more certification which is DE Fire School to receive his post certification from the State of DE. 5.) Pfc. Boothe was dispatched to Woodcreek for an unresponsive subject. He provided CPR and was able to revive the subject until EMS got on the scene. 6.) Lt. Bond, Pfc. Cockey, and Ptlm. Walters received the MSP Superintendent Salute Award for their actions in October 2023 when Sargeant Brooks was shot in Vienna, MD. It was their actions afterwards that located the suspect who subsequently expired by his own hand. 7.) PD needs to find a new crossing guard for next year as the current crossing guard is expanding his mission work and will not be available on a regular basis. 8.) Chief Barkley explained and discussed Lexipol: Public Safety Policy Management. A conversation occurred. 9.) There was another citizen last week that fell victim to a scam and lost over \$10,000. This was a Microsoft

scam. A conversation ensued.

Commission Member Boothe asked Chief Barkley if PD received any calls in reference to a man asking to use a cell phone and if the man was told no, he will proceed to follow the person he asked. Chief Barkley answered no, he has not received any calls. He said he does recall being informed of someone knocking on a door and asking a resident to use her phone because his car broke down, she did not allow the subject in. Chief Barkley suggested to everyone to protect themselves.

Chief Barkley clarified graduation time for the police academy Friday, June 14<sup>th</sup> at 11:00 a.m.

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

**Water Superintendent Report** – The report is included in the mail packets.

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

**Utility Commission** –

Commissioner Shaffer reported as follows: 1.) Robert VanMeter and Pam Webster from Colonial Mill Estates were in attendance requesting to tie-in to the town water because their well has PFAS. The PFAS amount is 12%. There are 45 homes in Colonial Mill Estates and the current well dates back to 1997. There is an 8-inch waterline running down Stage Rd. that they will be able to tie-in to. A favorable recommendation was given. 3.) There was a discussion about May 3<sup>rd</sup> in reference to a contractor, Long Fence, out of Waldorf, MD installing a guardrail on Foskey Ln. and Bi-State Blvd. that ruptured the town's 12-inch force main and raw sewage was dispersing. Town Mgr. Fleetwood and Public Works arrived to the location with MD State Highway until 9:00 p.m. that night. The repair was made and the situation is being monitored. A conversation ensued.

**Parks & Recreation** –

Commissioner Boothe reported: 1.) There was a very productive park clean-up on April 27<sup>th</sup>. There were about ten people that came out and helped. PW did a fantastic job. 2.) Unfortunately, "Movie Night" had to be postponed. There were technical difficulties with the movie itself. On May 28<sup>th</sup> which is the next meeting they will pick a new movie and a new time. Commissioner Boothe said he was in contact with the provider of the equipment and they were able to pick a new date instead of the originally scheduled date. The July 12<sup>th</sup> "Movie Night" is still scheduled and they will pick a movie for that date as well. 3.) Committee Member Faith Higbee proposed an idea which involves letterboxes at the parks for younger kids. 4.) The chili cookoff is in progress including a job fair which would more than likely be in the fall. Commissioner Boothe invited everyone to the next meeting for input.

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

Deputy Mayor Lenox thanked the Fire Chief, Justin Elliott and Deputy Fire Chief, Josh Joyner for attending the meeting. Mr. Joyner reviewed the FD report. A conversation occurred.

## **Planning & Zoning –**

Deputy Mayor Lenox reported while the meeting was on April 25<sup>th</sup> there was not activity on the MD side. However, there were six new homes for the Stillwater Development.

## **Town Managers Report –**

Town Mgr. Fleetwood reported: 1.) There were roughly 800 mailings sent out to residents stating the potential age of their homes and potential effect of lead and copper in their plumbing. The town did give an incentive to do the self-evaluation with the verification. The town is going to publish a public information session here at Town Hall and Delmar Pizza. The informational sessions will be combined to include both lead and copper and cross connection control. A contract was made with HydroCorp for the lead and copper side. The fee will be \$41.00 per home. The town will receive grant money and loan forgiveness for that. 2.) Unfortunately, PW is looking at three full-time vacancies. The town parted ways with one of the employees last week. A new full-time position was approved for July 1<sup>st</sup> and there is a vacancy where an employee resigned three weeks ago. The town is very close to bringing someone on board. Before this individual is hired, he would have to go through all the preliminaries for a CDL. 3.) There is a posting out for a crossing guard. Town Mgr. Fleetwood mentioned he spoke with Delmar School Superintendent, Andy O’Neal, to reach out to his custodial staff for that position. He said he is waiting on a response from the MD side for the elementary school. 4.) Town Mgr. Fleetwood will meet this Wednesday with the Director of Governmental Affairs, Mr. Chris Comer, from Comcast for the current annexed portion of the town to make sure the town is getting the appropriate share of receptivity’s for monies the town should be receiving. 5.) The intersection of Rt.13 and Rt.54, the visual board has been placed. MD State Highway is going to be milling and paving that intersection Thursday of this week. 6.) The Citizen of the Year Banquet will be held May 21<sup>st</sup> at the VFW. This year’s recipient is Pastor Marilyn Searcy. The town does have a proclamation from the State of DE and a Certificate of Recognition from the Town of Delmar which will be presented as well. 7.) Thursday, May 16<sup>th</sup> at 11:00 a.m. Sunmed adjacent to Walgreens is having their ribbon cutting ceremony. 8.) Thursday, May 16<sup>th</sup> Delmar Elementary School will walk their entire first grade class that has been broken down into four groups, 50 children per group, to the PD, Town Hall, caboose, and last the FD. This will take place from 10:00 a.m. to 1:30 p.m. Chief Barkley will have crossing guards out on State St. to get them across safely, and they will be monitored. Commissioner Shaffer suggested that this be posted on Facebook. This annual event is coordinated by Jessica Webb, Director of the Delmar Public Library. 9.) Benefit Renewal will take place May 21<sup>st</sup> from 12:00 p.m. to 3:30 p.m. in Town Hall Chambers and May 23<sup>rd</sup> from 8:00 a.m. to 12:00 p.m. same location. The conglomerate for benefits for FY’25 which begins July 1<sup>st</sup> for town employees went down in cost by about 1.5% which is two years in a row it’s been lowered. 10.) The Farmer’s Market opened the first weekend of May. It was a success. More produce will become available when, Ray Vincent owner of Vincent Farms has it available. 11.) June 1<sup>st</sup> is the Day in the Park with the Chamber of Commerce and the Farmer’s Market. The Delmar Public Library will host the Farmer’s Market. The vendor and customer parking will be at the gravel lot north of the building.

Town Mgr. Fleetwood presented a reallocation request in the amount of \$5,745.16 from Worker’s Compensation to Capital Outlay for the south side bay door that goes into the sallyport. There is a dumpster sitting there on asphalt concrete ground. He said the fear is the dumpster will be pushed

back into the new fence. The town has contracted with a concrete entity that will pour a new pad and put in bollards on the backside.

Deputy Mayor Lenox called for a motion to reallocate \$5,745.16 from Worker's Compensation to Capital Outlay for a new concrete pad. A motion was made/seconded (Boothe/Nembhard) and carried by a vote of 4 Ayes 1 Absent (Jorden).

### **Commission Comments –**

Commissioner Shaffer commented he would like to start a discussion for the next meeting for potential incentives for repairs for homes that have been foreclosed on. He said code enforcement has stepped up a lot on some of these houses in the older section of Delmar. There are two near his residence, one on Chestnut St. and one on Eilzabeth St. where major work has been done. He said you can still tell they are abandoned but they don't look as bad. A conversation ensued. Commissioner Nembhard said it is a great idea to have that discussion.

Deputy Mayor Lenox suggested that the town review House Bill 2 recently adopted by the State of Maryland that allows for higher property tax assessment on vacant homes.

Commissioner Shaffer commented the FD response to the call of the house fire was lightning fast. From dispatch, to in route, to on scene. A conversation ensued.

Commissioner Nembhard commented great job to the Fire Chief and Deputy Fire Chief.

Deputy Mayor Lenox commented they had discussion earlier during the budget process about tax credit for fire service volunteers. It was generally discussed with the DE side as well and he thought they were also receptive. They have the model that Wicomico County adopted, that is a starting point. He said he would like to get that discussion started again and take whatever action needed to proceed. A conversation ensued.

Commissioner Boothe commented it was very nice seeing former Commissioner Unsell tonight. He thanked Mr. Unsell for attending the meeting.

Town Mgr. Fleetwood updated the Commission about P&Z Director, Twain Evanson's status.

### **Public Comments –**

None.

### **Adjournment –**

Deputy Mayor Lenox called for a motion to adjourn which was made/seconded (Shaffer/Nembhard) and carried by a vote of 4 Ayes 1 Absent (Jorden).

Submitted by:

Clerk of Council  
Vondell Spencer