

**MAYOR & COUNCIL**  
**August 7, 2023**  
**MEETING HELD IN-PERSON AND VIA TELECONFERENCE**

Mayor Bauer called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware 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 Vice Mayor Jones, Council Members McClure, Lanier and Waldman. Delmar, DE Town Attorney Chad Lingenfelder, Town Manager Fleetwood, Police Chief Barkley, Planning and Zoning Director Twain Evanson, and Clerk of Council Vondell Spencer. Guests: Commissioner Shaffer, Howard Dickerson, Carolanne Lambrose, Vince Luca, Adam Willey, Amy Krieger, Alan Whitley, Steve & Jo Ditmer, and Rodney & Brenda Marshall..

Mayor Bauer called the meeting to order and Chief Barkley led the recital of the Pledge of Allegiance. A roll call was performed to confirm there was a quorum. A quorum was established.

**Mayor's Comments**

Mayor Bauer said a swearing in ceremony was held Thursday, July 13<sup>th</sup> at Camelot Hall for the Town's two newest police officers Blaine Erdie and John Paul McGrath. Also, Sgt. Michael Bond was promoted to Lieutenant and CPL Kevin McCahill was promoted to Sergeant.

Mayor Bauer congratulated all the police officers. He thanked St. Stephen's Church for the work that the ladies do, and allowing the Town to have swearing in events for the police officers. He further thanked everyone for keeping all of the Town's officers in their prayers. He mentioned at St. Stephen's Church someone adopts an officer when sworn in.

Mayor Bauer stated Chief Ivan Barkley received a second star for dedication and service to the Delmar PD. He thanked Chief Barkley for everything he does for the community.

Mayor Bauer said this past weekend the Town of Delmar celebrated police by having the Blue Light Night in State St. Park. He commented we appreciate all the work that 3C's USA Church, Sgt. McCahill, and volunteers put in to make the event a success. Mayor Bauer further thanked Public Works, Delmar V.F.W., and Fire Department for all they do for the community.

Mayor Bauer announced the Delmar Public Library Summer Bash is scheduled for August 24<sup>th</sup> at 5:30 p.m. to 7:30 p.m. at State St. Park. For more information or to be a sponsor please contact Jessica Webb at [jessica.webb@lib.be.us](mailto:jessica.webb@lib.be.us) or call (302)846-9894.

**Approval of Minutes**

Mayor Bauer called for a motion to approve the July 10, 2023 Joint Council meeting minutes with correction to attendance under Called to Order fourth line. A motion seconded (Jones/Lanier) and carried by a roll call vote count of 5 Ayes.

## **Unfinished Business**

None.

## **New Business –**

### 40<sup>th</sup> District Representative Update – Tim Dukes

DE State Representative Tim Dukes stated Delmar is like no other Town in the state. Actually, Delmar maybe like no other town in the country. Although there are a couple other cities that are in two states Delmar is unique in the fact that it has two mayors, two councils, one town manager, one police department, and one fire department. In his opinion, what makes Delmar more unique is the Bi-State Agreement between Delaware and Maryland. Mr. Dukes gave details about the children of Delmar, MD and Delmar, DE attend that school in both states. He commended the Mayor, Council and attending staff and said he is so proud to represent Delmar and also the citizens. Mr. Dukes stated and gave details how long he has been serving, and explained how the state budget was broken down.

DE State Representative Tim Dukes presented the 40<sup>th</sup> District Update.

Much discussion occurred between the Mayor and Council and Mr. Dukes concerning the Old Stage Rd. and Rt.54 speed limit changes, traffic studies, and open container law, etc.

Town Mgr. Fleetwood publicly acknowledged Mr. Dukes and he said he found Mr. Dukes to be accessible, and he listens. He publicly thanked Mr. Dukes for what he does for the Town of Delmar residents and he said it means a lot. Vice Mayor Jones agreed.

Mayor Bauer called for a motion to suspend public comment. A motion was made/seconded (Jones/McClure) and carried by a roll call vote of 5 Ayes.

Commissioner Shaffer asked Mr. Dukes where DE stands in reference to the potential 10,000 home neighborhood west of Delmar. Mr. Dukes answered the state of Delaware doesn't have a real say in that. A discussion occurred.

Town Mgr. Fleetwood asked Mr. Dukes from the state's perspective, what is the state's involvement in the Maryland Bi-State Agreement with the school system. Mr. Dukes answered there has been no conversation on that topic for the last three to four years; it's working and it has worked. A discussion occurred.

Mayor Bauer asked for a motion to close public comments. A motion was made/seconded (Lanier/Jones) and carried by a roll call vote of 5 Ayes.

### Delmar Nursing Home Organization Update

Delmar Nursing Home Administrator Mr. Adam Willey, discussed his career background, education background, ongoing changes at the nursing home, infection control, current construction, and grant reopening. Mayor Bauer asked Mr. Willey how many beds are in the nursing home. Mr.

Willey answered 109 beds and the current census now is 76% under current construction. He further asked Mr. Willey if COVID was still an issue in the nursing home. He further answered no. Mayor Bauer inquired about the parking at the nursing home. Mr. Willey responded it can be an issue. He said they are looking into the lot across from the nursing home.

Council Member Waldman questioned Mr. Willey about the delivery protocol. Mr. Willey responded most of the delivery drivers are aware to go through Pennsylvania Ave. and utilize Lincoln Ave. A discussion occurred. Town Mgr. Fleetwood suggested providing a list of vendors and with the help of PD all drivers can be reminded of the delivery protocol.

Council Member Waldman further questioned the two lots off of First St., behind the facility and the gravel lot. He said employees are driving the wrong way on First St. He further responded he was made aware of the situation and he is actively addressing that situation now.

#### Farmers Market

Small business owner Mrs. Carolanne Lambrose discussed a Delmar farmers market. She said she runs the Laurel, DE farmers market. Mrs. Lambrose further discussed her education in agriculture business, Delmar farmers market location, dates for the farmers market, hours, start date, vendors, potential vendor fees, application process, approval process, town logo, benefits to having a farmers market, mission statement, scheduling conflicts, and advertising.

Council Member McClure asked Town Mgr. Fleetwood the Town's role in the farmers market. Town Mgr. Fleetwood answered to provide the real estate and traffic control as needed.

Mayor Bauer asked Mrs. Lambrose if she was going to map out where each station is going to be. Mrs. Lambrose answered yes. He further asked Mrs. Lambrose if she has any back up or an assistant just in case, she is not available. She further answered she does not as of right now but her family will step in and help.

Council Member Lanier asked Ms. Lambrose if she was going to be compensated for her work at the farmers market. Town Mgr. Fleetwood responded with the amount. Mrs. Lambrose added there is potential to get state funding. She invited everyone to go to the Laurel farmers market.

President of the Delmar Historical and Art Society Alan Whitley, updated every one on the progress of the museum building. He thanked the Mayor and Council and DE State Representative Tim Dukes for the money allotted them for supplies and furnishings. Mr. Whitley shared the dates, times and location the Historical and Art Society meet.

#### Delmar Police Department Lot Line Adjustment

P&Z Director Evanson described and explained the new pole building and wrought iron fence locations, and timeline for construction. A conversation ensued.

#### Policy to Amend Approval Authority for Sign Permits

P&Z Director Evanson presented the Mayor and Council with sign approval information that will have the requesting person's approval time shortened to 30 days instead of 90 days by approval from the staff level.

Mayor Bauer called for a motion to approve the sign permit change. A motion was made/seconded (Lanier/Waldman) and carried by a roll call vote of 5 Ayes.

## **Committee Reports:**

### Police Chief's Report

Chief Barkley thanked everyone that attended Blue Light Night even though the weather was not what PD would have liked. He said he was very pleased with the attendance and even his fellow employees.

Chief Barkley reported: 1.) There were some vehicle break-ins in the Yorkshire neighborhood as well as a section of Heron Ponds. There may have been another vehicle break-in however the victim only mentioned it on social media. The victim never contacted the police department. Chief Barkley noted the individual may have said that this is the second time his vehicle has been burglarized. Mayor Bauer asked Chief Barkley if the vehicle break-ins were associated with the vehicle break-ins in Berlin. Chief Barkley answered PD has been coordinating with Berlin PD, so there maybe. 2.) The new recruit that is in the academy is doing very well. He is looking forward to his December graduation. 3.) PD just had a hiring process. There are a couple of individuals in the wings depending on how they make it through the next few steps; they will be ready for the January process. 4.) The newly sworn in recruits are working out well. Chief Barkley commented he would be happy to work together with Delmar Nursing Home. 5.) There were promotions for Sergeant McCahill and LT Bond. PD is stepping up and doing a great job. PD is expecting retirements in the future so they are getting themselves in gear to fill those spots. 6.) There are still two vehicles at the outfitters waiting to come in. The four additional vehicles allotted in the FY'24 Budget are already on order and they are expected towards the end of fall. 7.) The Heacock Fest is scheduled for August 27<sup>th</sup>.

Town Mgr. Fleetwood mentioned the street dedication will take place 11:30 a.m. August 27<sup>th</sup>.

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

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

Utility Commission Report –

Council Member Lanier reported: 1.) Phase 1 of the sewer project has begun. Chestnut St. is a gravel road as the work is being done. 2.) The Town of Delmar has not closed on the loan from MDE (Maryland Department of the Environment). 3.) WTP had a soda ash pipe replaced due to calcification from limestone. There was also a new water heater installed. 4.) PW is starting to move into their new building. The building has been wired but not energized. 5.) Town Mgr. Fleetwood said an RFP went out for the WWTP administrative building wall. There was money from the FY'23 Budget in the amount of \$122,000. The bids did not come in on time before closing of the fiscal year. The RFP was redone and the same amount was moved from FY'23 Budget to the FY'24 Budget. Bids came in from the Whayland Company out of Laurel, DE and Delmarva Veteran Builders out of Salisbury, MD. The Whayland Company's bid was \$137,600 and Delmarva Veteran Builders bid was \$250,000. The bid award was made to the Whayland

Company and work will begin before the end of the month. 6.) New speed limit signs were replaced in Wood Creek. 7.) Starbucks is having issues with getting enough labor. P&Z Director added Starbuck's schedule is to open by the end of the month.

Vice Mayor Jones asked Town Mgr. Fleetwood if all the lift stations were fitted with hoists and baskets. Town Mgr. Fleetwood answered hoists and baskets were included in the FY'24 Budget in the Town's eleven lift stations. The Town is currently outfitted with six and five more are left. There will be a dedicated employee to clean the lift stations bi-weekly.

#### Parks and Recreation Report –

Council Member McClure reported: 1.) Movie Night was Friday, August 4<sup>th</sup> following Blue Light Night. It was a great night despite the rain. He said there was about fifty people in attendance for Movie Night. Maybe another movie night will be in future plans.

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

#### Planning & Zoning

1. **Rodney Marshall – Request for Change in Zoning – 208 N. Memorial Drive, Delmar, DE** – Mr. & Mrs. Marshall presented a request for change in zoning per the attached drawings. Vice Mayor Jones explained the change in zoning would be light industrial to R-1.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Rodney Marshall – Request for Change in Zoning – 208 N. Memorial Drive, Delmar, DE, for the property proposed including the adjacent area identified in the adopted Delmar, DE comprehensive plan from light industrial to R-1 and further to approve the proposed dwelling as submitted with the understanding that it can be located closer to N. Memorial Drive consistent with the requirements of the R-1 district.

Mayor Bauer called for a motion to accept – Rodney Marshall – Request for Change in Zoning – 208 N. Memorial Dr., Delmar, DE, per the attached drawings. The motion was made/seconded (Lanier/McClure) and carried by a roll call vote of 5 Ayes.

2. **Steve Ditmer – Room & Bathroom Addition – 710 E. Jewell St., Delmar, DE** – Mr. Ditmer presented a room and bathroom addition per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Steve Ditmer – Room & Bathroom Addition – 710 E. Jewell St., Delmar, DE, per the attached drawings.

Mayor Bauer called for a motion to accept – Steve Ditmer – Room & Bathroom Addition – 710 E. Jewell St., Delmar, DE, per the attached drawings. A motion was made/seconded (Waldman/Lanier) and carried by a roll call vote of 5 Ayes.

Mayor Bauer mentioned the Town of Delmar owns a parcel on Rt.13 one side is 17.8 acres and the other side is 2.72 acres. In the next meeting discussion this elected body would like to discuss separating them to possibly sell them separately or develop them separately.

### **Council Comments**

Council Member McClure had no comment.

Vice Mayor Jones commented he enjoyed Blue Light Night.

Council Member Lanier commented Blue Light Night was a great event to have bringing the community out. He said Movie Night followed and it was nice. The weather cleared up just in time and the food was really good.

Council Member Waldman commented it was great to see the turnout at Blue Light Night. Despite the weather it seemed very successful.

Mayor Bauer commented he thought Blue Light Night was great. He said they spent a few hours setting up and they cleaned up until midnight. As far as the potential development project just west of town, before the election last year Mayor Bauer went to Dover, DE and talked to Mr. Edgell ; Chief Barkley was also there. We explained to them in no uncertain terms about how the Town of Delmar feels about that project. We told him about the school district, fire, police, and infrastructure. Mr. Edgell is keeping an eye on it.

Mayor Bauer thanked Town Attorney Chad Lingenfelder for being in attendance.

### **Public Comments**

None.

### **Adjournment**

Mayor Bauer asked for a motion to move to executive session to discuss personnel. A motion was made/seconded (Jones/McClure) and carried by a roll call vote of 5 Ayes.

Submitted by:

Clerk of Council