

MAYOR & COUNCIL
June 1, 2026
MEETING HELD IN-PERSON AND VIA TELECONFERENCE

Vice Mayor Odell Jones, Jr. 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 Mayor Thomas A. Bauer, Council Members, Todd Lanier, Mike McClure, and Matthew Waldman. Key Personnel: Delmar, DE Attorney, Mike Smith, Town Manager Jeff Fleetwood, Police Chief Ivan Barkley, and Clerk of Council Vondell Spencer. Guests: Howard Dickerson, Joy Smith, Brandon Hamilton, Joel Litchenberg, Dale Fields, Vince Luca, Jeff Breasure, Robin Breasure, Clint Breasure, and Whitney Cook; via teleconference Rodney Brown.

Vice Mayor Jones called the meeting to order, and former Mayor Howard Dickerson led the Pledge of Allegiance.

A quorum was established.

Mayor's Comments

Mayor Bauer commented he hoped everyone's Memorial Day Weekend went well and remember all that were lost during wars.

Approval of Minutes

Mayor Bauer called for a motion to approve May 13, 2026 Joint Council meeting minutes as circulated. A motion was made/seconded (Waldman/McClure) and carried by a vote of 5 Ayes.

Unfinished Business

Public Hearing – Robin Breasure Annexation

Mayor Bauer called for a motion to suspend the rules to have public comment. A motion was made/seconded (Lanier/Jones) and carried by a vote of 5 Ayes.

Mayor Bauer read the Annexation Letter.

There were no public comments.

Town Mgr. Fleetwood stated the property is currently served with town water and town sewer.

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

Mayor Bauer said they were going to vote on the annexation but it is contingent on State Planning because they have not responded yet. If they have any issues then the Mayor and Council will have to reopen this.

Attorney Smith stated the annexation will take care of pulling the property in as he understands matters from Planning and Zoning Director, Twain Evanson. The property was subject to a lot line consolidation at the county level that has been recorded. So, the application for annexation was for two parcels but those two parcels are one technically in the county mapping although they have not been assigned a tax id number from what he gathers just yet. The application is slightly modified because it is one parcel now that is going to be brought in to town as opposed to two separate parcels. The applicant would need to know that because the property is coming in, they would need to consider any variances that would need to be approved by the Delmar, DE Board of Adjustments because there are improvements on the property today. Mr. Evanson added they are aware of it. Mr. Evanson also made it clear that the county has assigned the new parcel ID and the Mayor and Council are voting to annex one parcel.

Mayor Bauer said they are going to vote on this contingent on the Office of State Planning approval. If they have any issues then they will revisit in July.

Mayor Bauer called for a motion to approve the annexation of the Bryan and Brittingham property. A motion was made/seconded (Waldman/Lanier) and carried by a vote of 5 Ayes.

Mrs. Breasure asked how long the process would be because the reason they went this way is because it is a time issue for the people that want to buy it. Attorney Smith said he could call the Office of State Planning. He further said what happens is there is a plan of services that is submitted to the Office of State Planning and that entity doesn't have an override so to speak. They would provide recommendations that the town does have the authority and the capacity to serve the property.

Attorney Smith stated he does not anticipate there being concerns there on that front so, he recognized that is concerning for Mrs. Breasure timing wise. He further stated he will follow up with them tomorrow. It is normally pretty easy to work with their office so he would expect a short turnaround on that and beyond that there is the DE Board of Adjustments component to this because of grandfathering. He said Mrs. Breasure may have structures on the property compliant with county zoning but when you come into the town it's essentially a reevaluation of the improvements. So, the DE Board of Adjustments does need to look at setbacks and surface area; things like that. He further said those components need to be considered as well. Town Mgr. Fleetwood added they have looked at the setbacks and there is nothing concerning. Mayor Bauer asked Attorney Smith at the latest it should be by the end of the month. Attorney Smith answered he would think so but because it is not in his sole authority, he did not want to make promises that he can't necessarily keep but he will push to get it done as quickly as possible. Mrs. Breasure responded the buyers want in there because their lease is up.

Attorney Smith asked if this is an entity that is going to apply for a license through the town? Town Mgr. Fleetwood answered yes.

Recessed: 7:42 p.m.

Reconvened: 7:53 p.m.

Mayor Bauer stated as far as the zoning goes instead of it being zoned Industrial Office as indicated on the Comp Plan it would be zoned Community Business in Delmar. Attorney Smith clarified the characterization that was used was from the Comp Plan and the Comp Plan is more generalized than the town's specific zoning categories. He clarified the Comp Plan says something about Light Industrial Office and that is not technically a zoning designation that the town has within the town, they are more specific than that. He said he thought there was a need to revisit and clarify the intended zoning for that parcel once it does become annexed.

Attorney Smith stated the zoning has to be in line with the town's Comp Plan and the Comp Plan does not assign a very specific designation. He said it does contemplate some manner of Industrial/Office Employment use. He further said he does not believe it would be appropriate to assign a Residential Zoning to that area nor does he think it was the intent to do that. There is some presumed flexibility between a Light Industrial or a Community Business designation for that particular parcel. He further stated historically he thought the Community Business is more in line with what Bryan and Brittingham had done. The Industrial Zonings are often times not contemplating retail use or traffic from customers, showrooms or anything like that. It depends on what council wants that piece to look like moving forward.

Attorney Smith described his explanation from the zoning map saying the parcel is in the notch. The coloring to the left is reminiscent of rail use in the town back when industrial was targeted for railways offloading and loading materials in transit. He said that really doesn't happen a lot anymore. The notch that is blue is commercial zoning.

Attorney Smith stated he thought the council needed to decide if they want to favor that as commercial extension going up that corridor or if they want to favor the industrial use coming more towards the interior of the town. Often times your industrial use you try to isolate from other stuff just because they are more invasive with their use. He said the use has been more commercial than industrial for a very long time. Whatever the council assigns are going to have permitted uses and certain uses that fall within a special exception. He further said if it does not fall within that list than they will have to ask for a change of zone or some further permission for this. When the council assigns the zoning, it doesn't guarantee what the occupant is going to do among those permitted uses. They can come in and ask for a permit and at that point the town has to give it to them if it is a permitted use.

Mayor Bauer called for a motion to change the annexation approval for the property to be zoned Community Business District and to amend the Comp Plan for this parcel and surrounding area from Industrial Office to Commercial. Both the annexation and amendment to the Comp Plan are contingent to the response from Delaware Office of State Planning. A motion was made/seconded (Lanier/Waldman) and carried by a vote of 5 Ayes.

New Business –

Public Hearing – Community Development Block Grant

Sussex County Community Development Representative, Mr. Brandon Hamilton thanked the town and council for allowing Sussex County to hold this public hearing. Mr. Hamilton explained and discussed the Community Development Block Grant. A conversation ensued.

Committee Reports:

Police Chief's Report – The report is included in the mail packet.

Chief Barkley reported: 1.) There are no new crime patterns or trends. 2.) There has been a small increase in accidents as of recent. 3.) May 26th was Officer Nicholas Snead's last day because he accepted a position in Selbyville, DE. PD is now down three officers. PD has one candidate they are preparing for the academy that begins at the beginning of July. The candidate has had all of their medical and psychological testing. There are only a few more things to complete before the candidate is fully onboarded. 4.) This coming Saturday is Day in the Park. PD will have resources available to assist the Chamber of Commerce with that endeavor. Chief Barkley said he will not be in attendance due to a previous commitment. 5.) The Annual Blue Light Night is usually the first Friday in August however, due to logistical issues it is now scheduled for Friday, July 31st from 5:00 p.m. to 8:00 p.m. at State Street Park. Council Member Lanier mentioned this year the traffic citations are lower. Chief Barkley responded it's not necessarily that people are driving safer, some of the PD's attention are in other places. There are a couple of problem spots that have come up that the guys are working on to address. Also, this time of the year there is an increase in domestics usually alcohol related as well. Mayor Bauer commented he saw there were shots fired. Chief Barkley responded it's reported as shots fired; that does not necessarily mean shots were fired. Unfortunately, when the reports are prepared that person preparing the reports is not necessarily reading the actual reports, they are just taking statistical information from the computer. He further responded it could be firecrackers or a car backfiring. Mayor Bauer questioned parking violations. Chief Barkley responded PD is getting compliance it's just moving slowly. Most of the businesses at the shopping center are glad to see officers present and a few of the businesses, not so much. They are used to what they are used to with their customers and they do not want to deter that. PD will continue to monitor until they get better compliance. Mayor Bauer further questioned the residential area parking. Chief Barkley further responded PD gets more calls out of Wood Creek than anywhere on parking issues.

Mayor Bauer asked Chief Barkley if the speed camera generates much down by Delmar Elementary School. Chief Barkley answered it's rather consistent at this point but if that program is successful as it should be those numbers should always be going down. Town Mgr. Fleetwood added the numbers are going down.

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

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

Utility Commission – The report is included in the mail packet.

Council Member Lanier stated there was no May 2026 meeting.

Parks and Recreation Report –

Fire Department – No report.

Planning & Zoning –

Mayor Bauer mentioned someone is looking to buy Loakal Branch Brewing to open a restaurant in that location.

Vice Mayor Jones reported:

1. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 72, 38560 Winterberry Dr., Delmar, DE** -Mr. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 72, 38560 Winterberry Dr., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 72, 38560 Winterberry Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Lanier/McClure) and carried by a vote of 5 Ayes.

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 76, 38550 Winterberry Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 76, 38550 Winterberry Dr., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 76, 38550 Winterberry Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Lanier/McClure) and carried by a vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 81, 38526 Winterberry Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 81, 38526 Winterberry Dr., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 81, 38526 Winterberry Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Lanier/McClure) and carried by a vote of 5 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 122, 11858 Yellowwood Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 122, 11858 Yellowwood Dr., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 122, 11858 Yellowwood Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Lanier/McClure) and carried by a vote of 5 Ayes.

Town Manager's Report

Town Mgr. Fleetwood reported: 1.) Phase 3 I&I Project (slip lining and brick and mortar): the notice of award is happening. The two vendors that this body has met with were awarded. The town is waiting for them to finish their bonding requirements. Once we receive that they will get their notice to proceed. Fully expect shovels in the ground sometime in July or August. 2.) Wednesday and Thursday is open enrollment for employee benefits. When the town did the RFP for healthcare renewal for FY'27 the current vendor (Aetna) came back with an 85% increase in costs. CareFirst had an 18% increase over current. The town elected to change the healthcare insurance from Aetna to CareFirst. Dental and vision will not change. There is a crisis hotline for all employees and covered dependents for qualified counselors. The town employees will also be offered fully funded short-term and long-term disability plans. Town Mgr. Fleetwood explained the intent for the paid family leave. 3.) Thursday town hall will have first graders in attendance for their field trip. After they leave town hall they will go to the caboose, FD, library, and PD. 4.) Tomorrow at 12 o'clock Delaware Forestry will be onsite at State Street Park to look at the trees the town has identified. Town Mgr. Fleetwood reminded everyone the State of Delaware rewarded the town a sum of \$50,000 for dead or decaying trees. There were five bidders on that and the lowest was Miller's Tree Service. Two property owners in town have been identified that are eligible for trees. 5.) Town staff are meeting with a representative from Stillwater and Mr. Patel because they are fed up with the lack top coating. The construction is not done so they will be informed if they want a topcoat now. The town has no issue with that but there will be something in writing that says when the work is finished out there another walk-through inspection will be done because

topcoat gets flawed with heavy trucks. 6.) The WTP has been very active flushing hydrants. Counting dead end hydrants there have been close to 90 and one hydrant needed some work. The overwhelming majority of water that has come out has been clear; there is limited stagnate/discolored water. Town Mgr. Fleetwood said when water lines get exercised there is the possibility that water maybe discolored at residents' home. If that does happen residents should let the water run for a bit and it will be fine. 7.) Waste Water Treatment Plant: there has been a job offer made for the vacant Waste Water Treatment Operator. The town did find a DE Level 3 license holder, that reciprocates in MD as a Level 5. So, there will be a second license holder at the Waste Water Treatment Plant. The new hire will start June 15th. 8.) The Town Staff Annual Field Trip this year is on July 1st to Tangier Island. Next year we would like to go back to Arlington National Cemetery. 9.) June 18th, 19th, 20th and 21st Town Mgr. Fleetwood will be out of town.

Council Comments

Council Member McClure had no comment.

- 1.) Vice Mayor Jones commented the high school graduation is Thursday. School will be out next week.
- 2.) Council Member Waldman commented he is looking forward to Day in the Park. He said it is always a good time.
- 3.) Council Member Lanier commented he is excited for the summer here in Delmar. He further commented he hoped to see everybody out in the streets and in the park.

Public Comments

- 1.) Joel Lichtenberg, President of the HOA of Yorkshire Estates thanked Chief Barkley for having hamburgers and shakes at PD. He further thanked everyone for attending the walkabout that he scheduled. He thanked Mayor Bauer for picking up the branches for them and they are ready to go.
- 2.) Joel Lichtenberg commented he heard some people talking in different places and they were saying that Yorkshire was the worst community in this town. He said he would like to know who that was, how they got that information, and why Yorkshire is the worst.
- 3.) Joel Lichtenberg commented he talked to Office Manager, Kimberly Layton about the sinkhole and she seems to think it is pretty much fixed now. He said he will talk to the Director of Public Works, Bob Buck and let him know they are not going to do anything with it.
- 4.) Joel Lichtenberg commented the trees have been cut around the pumpstation and ready to go. All that needs to be done is cleaned up and fixed.
- 5.) Joel Lichtenberg commented the kids are still biking in the middle of the road in the Yorkshire. He said he has video of 5-6 of them and they maybe about seven years old.

- 6.) Joel Lichtenberg commented they have a propane tank in Yorkshire and he does not know who is responsible for it but it is full of holes. One of their residents saw kids playing inside of the propane tank. He said he thought it was supposed to be a locked place. They have tried to talk to the propane people and they will not speak to anyone unless they are being serviced propane to get the fence fixed because it is leaning right now. He asked if anyone had any ideas on what they can do? Attorney Smith answered those are made subject to public utility easements that are put in place when a development starts typically. So, that is probably community property and Mr. Lichtenberg should look in the Chain of Title to determine what kind of agreements are in place for maintenance and things like that on the propane tank. Mr. Lichtenberg said he was never told the homeowner had to do that. He asked Mr. Smith if HOA have to talk to the homeowners and let them call them. Mr. Smith further answered you probably want to engage an attorney to look at the title for the community and tell you what you have as far as a utility agreement.
- 7.) Joel Lichtenberg commented they have a resident with a sewer cap in his front yard that is rocking right now. He said the resident has made several complaints to see if he could get someone to come and look at it. When the resident opened it up the cap on the sewer part is upside down so, that's what's causing it to rock. Town Mgr. Fleetwood asked Mr. Lichtenberg the address and Mr. Lichtenberg said he will provide him with it.
- 8.) Mr. Lichtenberg said they are putting together a new board and three of them are present. He said he wanted to thank everyone that is helping them and they want to do everything they can to help themselves.
- 9.) Howard Dickerson asked what is happening with the building across the street? Town Mgr. Fleetwood answered the owner has run into funding issues. Mr. Dickerson further asked questions about the noise ordinance due to the bath place that starts work at about 5:30 a.m. in the morning and the delivery truck comes about 6:30 a.m. on East Jewel and Pennsylvania Ave. way. Mr. Evanson informed Mr. Dickerson he would stop by and speak to them. Mr. Dickerson questioned if the town newsletter was still in existence. Clerk of Council, Vondell Spencer informed Mr. Dickerson the newsletters will be mailed out June 4th.

Adjournment

Mayor Bauer asked for a motion to adjourn. A motion was made/seconded (McClure/Waldman) and carried by a vote of 5 Ayes.

Submitted by:

Vondell Spencer
Clerk of Council, CMC