

MAYOR & COUNCIL
March 6, 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 and Council Members Michael McClure and Linda Morris. Key Personnel: Town Manager Fleetwood, Police Chief Barkley and Clerk of Council Vondell Spencer. Guests: Dhara Nakrani, Phillip Moore, Denise Garner, Vince Luca, Brenda Zonko, Charles and Carol Porter, Lisa Ellis, Chris and Rodney Brown, Pete Melinick, Brian Sprucebank, Farrah Morelli, Penny Glasgow, Brian and Kari Green and Doug Marshall.

Mayor's Comments

Mayor Bauer called the meeting to order. He performed the Pledge of Allegiance followed by a roll call to confirm there was a quorum. A quorum was established.

Mayor Bauer commented he and Council Members have interviewed candidates for the Utility Commission vacancy. He said he has also started interviews for the vacant Council Member seat. The application deadline for the Council vacancy is this Friday March 10th.

Mayor Bauer further commented on February 14th Town Mgr. Fleetwood, Mayor Jorden and himself were invited to a meeting with DelDot (Peter Haag, Jonathan Dearberry and DE State Representative Tim Dukes) to discuss the traffic issue at Old Stage Road, Stage Road and East Line Road. Mayor Jorden was unavailable. Delmar resident Doug Marshall was in attendance. There will be more on this at the April 3rd meeting.

Mayor Bauer said on February 21st several of the Mayor and Council including members of the Delmar Police Department, Delmar School District, Mayor Jorden and Town Mgr. Fleetwood gathered at the Delmar High School to observe a drone flying over the school area to get aerial footage of the traffic flow. He said they are meeting again this week to discuss the results of what they observed with the footage.

He further said on February 22nd the elected officials had their first Joint Council Budget Workshop including utilities. The next meeting is scheduled for this Wednesday, March 8th at 6:00 p.m. here at Town Hall and the public is invited to attend. This week they will discuss more budget issues, review, and discuss Town Mgr. Fleetwood's options to balance the budget.

Mayor Bauer mentioned this past week he and Council Member Morris observed the process of cleaning out a lift station with Delmar Public Works Director, Robert Buck. It's a very dirty job but cleaning a lift station prescreen makes the hoists more efficient and saves the Town money in the long run. At the recent budget workshop Mr. Buck requested more lift stations for the Town to help make the Public Works staff work related to cleaning lift stations more efficient and safer.

Town Mgr. Fleetwood clarified what was introduced in the first budget meetings as it relates to the lift stations. He said they are seeking funding for additional benches to pull the baskets up on the rail and an additional employee to do that work. Lift stations were not requested.

Approval of Minutes

Mayor Bauer called for a motion to approve the January 3, 2023 meeting minutes as prepared. A motion made/seconded (Morris/McClure) and carried by a roll call vote of 4 Ayes.

Mayor Bauer called for a motion to approve the February 6, 2023 meeting minutes as prepared. A motion was made/seconded (Jones/McClure) and carried by a roll call vote of 4 Ayes.

Unfinished Business

Town Mgr. Fleetwood explained to the citizens that Stillwater is the development that is located off of Rt. 54 East before Robinhood Road. Three out of four of this elected body were not part of the approval process. Ryan Homes was granted approval some time ago. Mayor Bauer thought it was in the best interest to give the elected body and citizens of the Town an idea and specifics about Stillwater.

Ryan Homes Division President, Pete Melinick and Ryan Homes Production Mgr. Brian Sprucebank explained and discussed in great detail the DelDot paving entrance, number of lots, intentions for model homes, date to be open for sales, approved house types and size of homes, for the Stillwater development. Council Member Morris thanked Mr. Melinick and Mr. Sprucebank for assembling the presentation which was very helpful. Much more discussion followed.

New Business

Mayor Bauer nominated Brian Green to the Parks and Recreations Commission.

Mayor Bauer asked for a motion to vote Brian Green to the Parks and Recreations Commission. A motion was made/seconded (McClure/Jones) and carried by roll call vote of 4 Ayes.

Mayor Bauer swore in Brian Green to the Parks and Recreations Commission.

Mayor Bauer thanked Denise Garner, Jonathan Layton and Phillip Moore III for applying for the Utility Commission vacancy. He said after reviewing everyone's resume and discussing each candidate with each of the council members a decision has been made. This candidate has GIS, utility experience and is knowledgeable of the local landscape. He further said he is hoping that this candidate will be a great addition to the Utility Commission and they can learn from each other.

Mayor Bauer nominated Phillip Moore III to the Utility Commission.

Mayor Bauer asked for a motion to nominate Phillip Moore III to the Utility Commission. A motion was made/seconded (Jones/McClure) and carried by a roll call vote of 4 Ayes.

Mayor Bauer swore in Phillip Moore III to the Utility Commission.

Mayor Bauer mentioned the Mayor and Council have been asked to donate to the Keith Heacock Fest once again this year. He announced they will donate \$2,000.00 that will go to the Community Foundation of the Eastern Shore and be used in the Heacock Scholarship Fund for a Delmar High School student.

Mayor Bauer asked for a motion to donate \$2,000.00 to the Community Foundation of the Eastern Shore to be used in the Heacock Scholarship Fund for a Delmar High School student. A motion was made/seconded (Morris/McClure) and carried by a roll call vote of 4 Ayes.

Mr. Doug Marshall asked the Mayor and Council if they would consider naming the street between Wawa and McDonald's that does not have a sign on it in Delmar, DE Cpl. Heacock Way. A discussion occurred. After much discussion it was found that the street between Wawa and McDonald's is called Benro Dr. and will be subtitled. Council Member Morris asked for a timeline for the subtitling. Mayor Bauer responded the end of the month.

Mayor Bauer asked for a motion to subtitle Benro Dr. located between Wawa and McDonald's in Delmar, DE. A motion was made/seconded (Jones/McClure) and carried by a roll call vote of 4 Ayes.

Committee Reports:

Student Advisory-

Dhara Nakrani reported: 1.) Progress reports were distributed today. 2.) The food drive that the Delmar High School students started last month has almost reached 1,000 cans. The students have about 800 cans. Teachers have helped out with the food drive by asking students to bring in cans for extra credit. The students have also received nonperishable products. 3.) The blood drive went well. 4.) March 17th is professional day. 5.) March 22nd is S.A.T. day so only juniors will be attending school. 6.) March 31st is the end of the marking period.

Mayor Bauer mentioned there is a blood shortage. So, the Blood Bank is looking for anyone who can donate.

Police Chief's Report

Chief thanked Mr. Marshall for the idea of naming a street after Cpl. Heacock.

Chief Barkley reported: 1.) February 19th there was an armed robbery at one of the Town's local restaurants. The subject came to the drive-thru in a vehicle, produced what the clerk believed was a gun and demanded money. Unfortunately, there is very little information to go on and the video is very bad but the investigation is still ongoing. 2.) There was a hit and run off of State St. that took out the crosswalk sign about a week ago. PD is aware from some video footage that it was a white Ford Pick-Up with a toolbox on the back of it. Chief Barkley said with Town Mgr. Fleetwood's help they do have another sign and Town Mgr. Fleetwood is going to reach out to the right people to get

the sign back up. PD is still looking for that hit and run suspect. 3.) March 17th PD will be conducting active shooter training at Delmar High School. Chief Barkley noted no students or teachers should be present. Also, no live ammo or weapons will be in the building. The school's current constable will be participating in that training as well. 4.) Chief Barkley thanked Mayor Bauer and Council Member Morris for the trip to Chincoteague, VA on Friday, March 3rd. However, not even an hour after he got back, he located the same stop signs locally at Civic Ave. and Main St. in Salisbury, MD and Truitt and Church St. There is also one of the stop signs on the DE side as well. 5.) All is going well with the recruits in the academy. 6.) Officers Darrell Powell and Zachary Walters are on track to completing their field training by the end of the month and should be out on their own shortly. PD is still waiting on the next COPT which is the certifying body's meeting in DE for them to vote on certification for those two officers. 7.) PCO Rojas is getting close to completing her training and should soon be able to work on her own. 8.) Chief Barkley is continuing to work on some of his budget requests by getting proper numbers and pricing for the building and fencing. Chief Barkley mentioned he did get some of the pricing today however there are a couple of points that need to be cleared up before he actually provides the price.

Mayor Bauer said he noticed on the reports that accidents and speeding rates have elevated. Chief Barkley responded the accidents probably are elevated because more tickets are being written for speeding and there will be more of that. He further responded more officers more tickets.

Mayor Bauer asked Chief Barkley where are the worst places for accidents; are they in more places than others? Chief Barkley answered there is always worse than others. Rt.13 and Foskey Lane is a very bad spot. Mayor Bauer further asked if the change that was done did any good. Chief Barkley answered one of the largest problems is people are taking unnecessary risks. There are always accidents at Rt.54 and Stage Road, Rt 54 and Rt.13 and the Food Lion parking lot. The accidents at Food Lion are hit and runs.

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 Morris reported: 1.) The Utility Commission passed a favorable recommendation for the water expansion for Holly Oak and Stage Village Mobile Home Parks. These parks are currently on their own sewer system. The Town is not responsible for either parks' sewer systems. 2.) Beginning March 20th Phase 1 will start in Delmar, MD; replacing terracotta pipes. Staging equipment will occur at the south end of Pennsylvania Ave. crossing over to Foskey Ln. between Wood Creek and the railroad track. There will be elevated activity in those locations. 3.) Paving for Delmar, MD and Delmar, DE will start approximately the end of March to the beginning of April. Depending on the asphalt plant opening will determine the date. Council Member Morris said Connelly Mill will be the first priority. There will be a lot of grading that will occur on Connelly Mill Road because there are problems with draining because the shoulder is higher than the road. Town Mgr. Fleetwood added the paving is being funded by Delmar, MD with highway user money. On the Delmar, DE side the paving is being paid for with grant money from Senator Richardson and Representative Tim Dukes. He further added the

grading work on Connelly Mill Road Wicomico County Roads Division has agreed to do that work at no cost to the Town. 4.) The first Joint Budget Workshop for capital outlay was February 22nd. The workshop was very informative. Council Member Morris thanked all the department heads for their preparations and presentations. 5.) Several of the elected body were able to attend the DRWA entry level water specialist apprenticeship training program ceremony at the high school. Council Member Morris gave kudos to WTP Superintendent, Sophia Oberton, for an outstanding job that she has done in teaching that class and paving the way for future career opportunities for the students that attended her class. 6.) Earlier this week Mayor Bauer and Council Member Morris had an opportunity to visit one of the Town's lift stations. They observed the cleanout of a catch basket. Council Member Morris described the characteristics and functions of the catch basket. She further described what they saw in the catch basket.

Council Member Morris said it is a manual job; it's nasty, dirty and smelly. The lift station has items that people are flushing down their toilets or running down their sinks. She further said her takeaway from this experience is she found a new respect for the Public Works staff in knowing this is a part of their job. It takes a special person to do that job. In her opinion, this job should be featured on Mike Rowe's Dirty Jobs.

Town Mgr. Fleetwood described and explained the function of the lift station pumps. He mentioned PW will be presenting to the Elected Body, Utility Commission and tax payers in the FY'24 Budget an additional employee who will be solely responsible for the lift stations. A discussion ensued.

Parks and Recreation

Council Member McClure reported: 1.) February 28th was the first official meeting in at least three years. 2.) Mr. Bill Giordano presented an idea to the Commission of a possible chili cookoff in the fall. 3.) A discussion was held in reference to doing a trash pickup in the Town's parks. 4.) There was a discussion about doing a movie night over the summer in the Town's parks. Council Member McClure said he is looking forward to working with Brian Green. Town Mgr. Fleetwood added the intention behind the chili cookoff is a fundraiser for scholarships for the trades.

Planning & Zoning

Council Member Jones reported:

1. **Charles & Carol Porter – Accessory Building – 402 Lincoln Avenue, Delmar, DE** – Mr. and Mrs. Porter presented an accessory building as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Charles & Carol Porter – Accessory Building – 402 Lincoln Avenue, Delmar, DE, per the attached drawings.

Mayor Bauer called for a motion to accept – Charles & Carol Porter – Accessory Building – 402 Lincoln Avenue, Delmar, DE, per the attached drawings. A motion was made/seconded (McClure/Morris) and carried by a roll call vote of 4 Ayes.

2. **John Darden/Hartnett Homes, LLC – Subdivision – Both sides of US Rt. 13, adjacent to 36903 Sussex Highway, Delmar, DE** – Mr. Darden presented a subdivision as referenced per the attached drawings. Mr. Darden explained both sides of Rt.13 divide two pieces of the same tax map. He said they are just asking for a subdivision to get a separate tax number for the parcel on the west side.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – John Darden/Hartnett Homes, LLC – Subdivision – Both sides of US Rt. 13, adjacent to 36903 Sussex Highway, Delmar, DE, per the attached drawings.

Mayor Bauer called for a motion to accept – John Darden/Hartnett Homes, LLC – Subdivision – Both Sides of US Rt.13, adjacent to 36903 Sussex Highway, Delmar, DE, per the attached drawings. A motion was made/seconded (Morris/Jones) and carried by a roll call vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – Stillwater – New Home Models and Elevations K & L, Delmar, DE** – Ms. Brown presented new home models and elevations per the attached drawings.

January 26, 2023 P&Z Meeting Recommendations:

Vice Mayor Jones called for a motion to approve new home models: Cedar, Tupelo and Hazel with Elevation K only. Vice Mayor Jones stated this Commission will not accept new home models: Birch, Aspen and Elevation L at this time. This Commission would desire the builder to consider differentiating housing styles in particular next door to one another regarding color choice, materials and reverse building plans so the garage will be on the other side in order to make the development as diverse as possible.

February 23, 2023 P&Z Recommendations:

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council subject to the condition: Clarification that there will be a street tree with each home for the following models: Cedar Elevation L, Tupelo Elevation L, Hazel Elevation L, Birch Elevation K, Birch Elevation L, Aspen Elevation K, Aspen Elevation L, Spruce Elevation K and Spruce Elevation L for – Stillwater – New Home Models and Elevations K&L, Delmar, DE.

Mayor Bauer called for a motion to accept – Chris Brown/Ryan Homes – Stillwater – New Home Models and Elevations K&L, Delmar, DE, per the attached drawings. A motion was made/seconded (McClure/Morris) and carried by roll call vote of 4 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 3, Address Unknown, Delmar, DE** – Ms. Brown presented a new model home build 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 3, Address Unknown, Delmar, DE, per the attached drawings.

Mayor Bauer called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 3, Address Unknown, Delmar, DE, per the attached drawings. A motion was made/seconded (Morris/McClure) and carried by a roll call vote of 4 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 4, Address Unknown, Delmar, DE** – Ms. Brown presented a new model home build 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/Hazel/Elevation K – Lot 4, Address Unknown, Delmar, DE, per the attached drawings.

Mayor Bauer called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 4, Address Unknown, Delmar, DE, per the attached drawings. A motion was made/seconded (Morris/McClure) and carried by a roll call vote of 4 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 98, Address Unknown, Delmar, DE** – Ms. Brown presented a new model home build 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 98, Address Unknown, Delmar, DE, per the attached drawings.

Mayor Bauer called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 98, Address Unknown, Delmar, DE, per the attached drawings. A motion was made/seconded (Morris/McClure) and carried by a roll call vote of 4 Ayes.

Town Manager's Report

Town Mgr. Fleetwood reported:

Town Mgr. Fleetwood said he had been on vacation last week. He thanked Town Hall staff; they are an excellent group of people. 1.) On March 14th the committee that has been formed by Wicomico County to discuss the Mason Dixon Complex will meet again for a follow-up from the public input session that was held at Delmar Elementary. There will be no ground breaking at the Mason Dixon Complex in 2023. The soonest is another 12 to 18 months to 2 years. 2.) On March 14th at 6:00 p.m. Mrs. Sara Bynum-King will be recognized as Citizen of the Year at the Delmar V.F.W. Tickets are on sale now and they are \$22.00 per person. The tickets need to be procured before the event. 3.) On April 11th and April 12th Delmar, MD will be doing the spring clean-up. 4.) On April 19th and April 20th Delmar, DE will be doing the spring clean-up. Town Mgr. Fleetwood explained what the spring clean-up consists of. He further explained the clean-up is at no cost to the citizens of the Town.

Council Comments

Council Member Morris commented the Council is continuing to find a solution to the intersection on Eighth and Grove St. She said they hoped to have some resolution and actual corrective action take place soon.

Council Member Morris thanked all the department heads again for their presentations on the first joint budget workshop. She mentioned she submitted a draft SOP (Standard Operating Procedures) for the Delaware Annexation request to Mayor Bauer and Town Mgr. Fleetwood and she is looking forward to feedback.

Council Member Morris commented she enjoyed the play Mary Poppins at Delmar High School Saturday. She said it was quite delightful and the casting crew did a fantastic job.

Council Member McClure commented tomorrow is the last day to purchase tickets for the Citizen of the Year recognition.

Vice Mayor Jones added to the student advisory report that on Friday at 5:00 p.m. there will be a staff vs. students basketball game and that will be interesting. Also, March 31st is the astrosmash volleyball game at the high school at 6:00 p.m. Two great events for the community to come out and watch.

Mayor Bauer commented he and his wife went to the Mary Poppins play as well. He said it was a nice evening. The kids did a great job. He further commented in attendance tonight is the Delmar School Board President, Farrah Morelli. Ms. Morelli thanked the Council for working with them on the traffic issues around arrival/dismissal times. She said hopefully a solution can be found soon.

Public Comments

- 1.) Doug Marshall commented the Heacock Festival is coming up April 30th from 12:00 p.m. to 6:00 p.m. at the Kylan Barn Amphitheater. This year's beneficiaries will be Tunnel to Towers, Operation We Care, and Behind the Line.
- 2.) Doug Marshall further commented Oaked 54 is in process because of the wonderful people at Bank of Delmarva and should be open by May. Mr. Marshall said the Loakal Branch will be bringing plans for a restaurant concept downtown in the next three to four weeks to add a kitchen and a beer garden. A discussion occurred.

Adjournment

A motion to adjourn was made/seconded (Jones/McClure) and carried by roll call vote with 4 Ayes.

Submitted by:

Clerk of Council