

MAYOR & COUNCIL
February 5, 2024
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. Town Manager Fleetwood, Chief Barkley, and Clerk of Council Vondell Spencer. Guests: Denise Garner, Josel Lichtenberg, Vishal Patel, Farrah Morelli, Julianna Morelli, Jesyl Silva and via teleconference Mr. Joseph Cooke Jr.

Mayor Bauer called the meeting to order and led the Pledge of Allegiance. A roll call was performed to confirm there was a quorum. A quorum was established with five members.

Mayor's Comments

Mayor Bauer commented this weekend was Mayor Jorden's 30th birthday and wished him a happy birthday.

Approval of Minutes

Mayor Bauer called for a motion to approve the January 2, 2024 Joint Council meeting minutes. A motion was made/seconded (Jones/Waldman) and carried by a roll call vote of 4 Ayes 1 Abstain (Lanier).

Unfinished Business

None.

New Business –

Public Hearing, 2nd Reading for Marijuana Ordinance#180 –
Mayor Bauer read the Marijuana Ordinance #180.

Mayor Bauer asked for a motion to open the public hearing. A motion was made/seconded (Jones/McClure) and carried by a roll call vote of 5 Ayes.

Ms. Denise Garner commented this ordinance is a very good idea because there are many people that do suffer with all types of debilitating diseases and this will help tremendously. She explained that other states have had success with their facilities and she said it was very organized.

Mayor Bauer asked for a motion to close the public hearing. A motion was made/seconded (Waldman/McClure) and carried by a roll call vote of 5 Ayes.

Mayor Bauer called for a motion to adopt Marijuana Ordinance #180. A motion was made/seconded (Jones/McClure) and carried by a roll call vote of 4 Ayes 1 Abstain (Lanier).

Parks and Recreation Committee By-Laws

Council Member McClure explained the Parks and Recreation Committee wanted to remove the section in the By-Laws language mentioning a treasurer because the Committee does not have a treasurer.

Mayor Bauer called for a motion to accept the Parks and Recreation Committee By-Law changes. A motion was made/seconded (Lanier/Waldman) and carried by a roll call vote of 5 Ayes.

Student Advisory Report –

Student Advisory Julianna Morelli reported: 1.) The boys' basketball regular season record is currently 6 wins and 8 losses. The next game is away against Sussex Academy on February 6th at 5:15 p.m. The away Laurel game is on Thursday, February 8th at 6:30 p.m. 2.) The girls' basketball regular season record is currently 6 wins and 6 losses. The next game is home against Sussex Academy at 4:30 p.m. on February 6th. The girls' basketball team will have their home game against Laurel on Thursday February 8th at 4:00 p.m. 3.) Senior Night for the girls' basketball team and cheerleaders will be on February 15th and it will be an away game in Seaford. Senior Night for the boys' basketball team and cheerleaders will be on February 20th and it will be an away game at Lake Forest. 4.) The varsity boys' wrestling regular season record is 2 wins and 4 losses. The next match will be on February 7th versus Woodbridge High School. This will be an away competition and it begins at 6:00 p.m. 5.) The spring sports try-outs and practices begin on February 26th right after school for the high school and on February 29th for the middle school. Students need a current DIAA sport physical to try out. 6.) The Intro the Woods drama production show dates are March 8th at 7:00 p.m. and March 9th at 1:00 p.m. and 7:00 p.m. Tickets are available at the school office and through the drama club members. They will also be sold at the door. 7.) A fundraiser for the drama club gift card tree raffle ticket sales ends tonight. Ms. Morelli said she has tickets if anyone is interested. The tickets are \$5.00 for 1, \$10.00 for 3. The fundraiser value is \$225.00. 7.) The Math League will meet on February 7th. High School will be away at Sussex Central and the middle school will be at home. 8.) The County Honors Band had 3 participants to audition, all three were selected. The concert is February 29th at 7:00 p.m. at Sussex Central. 8.) The All-State Band had auditions and 2 participants got in. The concert will be March 23rd at 6:00 p.m. at Mount Pleasant High School in Wilmington, DE. 9.) Report cards were distributed today and the 2nd semester of the year has begun. 10.) The school will be closed on February 12th for a professional development day and it will also be closed on February 19th in honor of President's Day. 11.) The Junior Class Quarter Auction, a fundraiser for prom, is scheduled for February 16th at the high school cafeteria. The doors open at 5:30 p.m. and they are in need of urgent donations. The tickets are \$10.00. 12.) Delmar FFA is having their annual Strawberry sale right now. Orders are due by February 26th. Strawberries will arrive the week of March 11th through the 15th. The prices are: 1 flat \$25.00,

Half-flat \$15.00, and a quart is \$5.00. Orders are being taken by FFA members or on the Delmar FFA Facebook page.

Department/Committee Reports:

Police Chief's Report –

Chief Barkley thanked everyone for there out pouring of concern and prayers for his family due to his mother passing last Thursday. Chief Barkley announced the funeral arrangements.

Chief Barkley reported: 1.) Over the last month there have been no significant crimes. 2.) There have been a few current break-ins. At least two windows were broken. One break-in the windows were broken but nothing in the vehicle was touched. 3.) Chief Barkley requested that everybody tell everyone they know to be careful of scams especially elderly neighbors. A few residents have been scammed with the Microsoft Ransom Wear Scam. These residents have lost significant amounts of money sending both prepaid cards and buying bitcoin to take care of the situation. 4.) The two recruits in the academy are still doing very well. One of the recruits is the class leader. 5.) The part-time PCO Ms. Niblett comes in on the weekends. As for Kelly Chamberlain, she has one more certification to get which unfortunately she will not be able to receive it until March. Once received she is confident in herself enough at this point and has learned everything, she can possibly work independently. 6.) PD is looking forward to the FY'25 Budget.

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

Water Treatment Plant – The report is included in the mail packet.

Utility Commission Report –

Council Member Lanier reported: 1.) There was a sinkhole that emerged on Stage Rd. just south of Hardee's. Effectively there was a construction issue some time ago and the water that the Town of Delmar has seen lately got under and created a sinkhole. Repairs were made to the sinkholes and the Town of Delmar is on the way to getting it all fixed. 2.) WWTP needs property maintenance so funds were reallocated to make that happen which will open an area. Trees that could fall and cause a lot of damage need to be removed. Town Mgr. Fleetwood added the PW crew was onsite from 5:00 p.m. until a little after 2:00 a.m. after a full day's work. Chief Barkley had a couple of officers at the location on and off throughout the night as well.

Parks and Recreation Report – The report is included in the mail packet.

Council Member McClure reported: 1.) At the last meeting a discussion was held about a few potential projects for the new year. They discussed having two movie nights in the summer and fall.

Fire Department –

Mayor Bauer reviewed the FD report.

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

Mayor Bauer asked Town Mgr. Fleetwood the status of the fire hydrants. Town Mgr. Fleetwood answered if Mayor Bauer noticed the number of fire hydrants, 6 or 7 which are still bagged,

digging has been done. There are 3 that need totally new fire hydrants and the other 4 just need parts and there was some digging done last week. The Town is making progress.

Planning & Zoning –

Vice Mayor Jones reported:

Vice Mayor Jones stated the Council put Stillwater Development, Ryan Homes, on hold last month because of a flooding issue. The flooding issue has been resolved so the Council will move forward with approvals.

1. Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 99, 38346 Stillwater Parkway, Delmar, DE – WITHDRAWN

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 99, 38346 Stillwater Parkway, Delmar, DE, per the attached drawings.

2. Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation L – Lot 172, 38347 Stillwater Parkway, 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/Hazel/Elevation L – Lot 172, 38347 Stillwater Parkway, Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation L – Lot 172, 38347 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (Bauer/Waldman) and carried by a roll call vote of 5 Ayes.

3. Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 6, 11703 Silverbell Dr., Delmar, DE – This request was submitted in the December Planning and Zoning Commission meeting. The home style was a Tupelo and is now a Hazel home model.

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 6, 11703 Silverbell Dr., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 6, 11703 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Waldman/Bauer) and carried by a roll call vote of 5 Ayes.

4. Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 10, 11711 Silverbell Dr., Delmar, DE – Mr. Brown presented a new home build as

referenced per the attached drawings. Vice Mayor Jones stated the style of the home has been changed

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 10, 11711 Silverbell Dr., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 10, 11711 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (McClure/Waldman) and carried by a roll call vote of 5 Ayes.

- 5. Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 93, 38322 Stillwater Parkway, 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 93, 38322 Stillwater Parkway, 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 93, 38322 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (Waldman/McClure) and carried by a roll call vote of 5 Ayes.

- 6. Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 170, 38339 Stillwater Parkway, 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 170, 38339 Stillwater Parkway, 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 170, 38339 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (Waldman/McClure) and carried by a roll call vote of 5 Ayes.

- 7. Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 9, 11709 Silverbell 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 9, 11709 Silverbell 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 9, 11709 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Waldman/Bauer) and carried by a roll call vote of 5 Ayes.

8. **Joseph Cooke Jr. – New Home Build – 709 E. Grove St., Delmar, DE** – Mr. Cooke presented a new home build as referenced per the attached drawings. Vice Mayor Jones reminded the Council of the house that burnt down a couple of months ago and that house was on Mr. Cooke’s property. He said Mr. Cooke is requesting a variance to build a new home on that property and the Planning and Zoning Commission gave a favorable recommendation to Mr. Cooke.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council, and Delmar, DE Board of Adjustments for – Joseph Cooke, Jr. – New Home Build – 709 E. Grove St., Delmar, DE, per the attached drawings including the necessary variances.

Vice Mayor Jones said the Council will entertain a motion for approval pending the Delaware Board of Adjustments favorable recommendation to accept the setbacks as requested. A motion was made/seconded (Lanier/McClure) and carried by a roll call vote of 5 Ayes.

Town Manager’s Report -

Town Mgr. Fleetwood reported: 1.) Town Mgr. Fleetwood reminded the Council that it is budget season. All department heads have submitted their FY’25 capital requests to the Chief Finance Officer. Tomorrow, he said he will be meeting with the department heads one on one with their needs. Town Mgr. Fleetwood expressed the importance of the budget calendar for FY’25. 2.) As of December 31, 2023, the Town of Delmar was reporting to MDE a three-year average flow which was 740,000 gallons per day. As of January 1, 2024 the Town is reporting 600,000 per day. Town Mgr. Fleetwood explained reporting 740,000 which put the usage over 80% capacity. Now reporting 600,000 per day the Town of Delmar is now at 70.3% capacity. 3.) Town Mgr. Fleetwood informed the DE Mayor and Council that the Phase 1 MD sewer project is well underway on the MD side and in all likelihood should be finished early spring. Phase 2 will now be the DE side because the funding is promising. There has been no feedback on funding on the MD side so in all likelihood Phase 3 will be MD if funding is received. 4.) In 2018, 2019, and 2020 there were consecutive days where the Towns of Delmar, WWTP were in violation with quality not quantity. The Town of Delmar was proposed with a \$75,000 fine and the Town of Delmar counter offered \$7,500 fine. MDE was receptive with one caveat which is for the Town of Delmar to enter into an Adequate Public Facilities Ordinance.

Council Comments

Vice Mayor Jones, Council Members Waldman and McClure had no comment

Council Member Lanier commented the comedy club is up and running and he has seen some familiar faces up there. It has been a good addition to have something live going on here in Delmar.

It's nice to see the town really turn it up.

Public Comments

- 1.) Denise Garner thanked the high school for bringing the information to us. She mentioned her sons were in the marching band and her one son played the trumpet and he did very well.
- 2.) Jesyl Patel commented he owns several businesses in the town and one of them is the Trampoline Park and that is something going on for the town. He said that trampoline park brings in 160,000 people a year. A conversation occurred.

Adjournment

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

Submitted by:

Clerk of Council
Vondell Spencer