

**MAYOR & COUNCIL**  
**November 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 7:10 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, Lt. Alexander Wade, and Clerk of Council Vondell Spencer. Guests: Howard Dickerson, and Andy O'Neal and via teleconference Chris & Rodney Brown.

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 four members.

**Mayor's Comments**

Mayor Bauer stated the person that was accused of killing Cpl. Heacock and beating the Franklin's has been convicted and we are waiting to hear his sentence on December 8<sup>th</sup>.

Mayor Bauer said the Homecoming Parade and Farmers Market were recently held and all went well including the weather.

He further said Delmar Field Hockey won their conference again and won this past weekend to advance closer to another state title.

Mayor Bauer commented the Fallen Officers Benefit 5K had a great turnout with 127 runners and many supporters.

Mayor Bauer said he would like to look at the cost of putting a bocce ball court in State St. Park. This would be used by people of all ages, hopefully.

Mayor Bauer mentioned the last farmers market for 2023 is scheduled for November 18<sup>th</sup>.

**Approval of Minutes**

Mayor Bauer called for a motion to approve the September 5, 2023 meeting minutes. A motion was made/seconded (Jones/Lanier) and carried by a roll call vote of 4 Ayes 1 Abstain (McClure).

Mayor Bauer called for a motion to approve the October 2, 2023 meeting minutes. A motion was made/seconded (Lanier/McClure) and carried by a roll call vote of 4 Ayes 1 Abstain (Waldman)

**Unfinished Business**

None.

## **New Business –**

### SB 186-Voluntary School Assessment –

Mayor Bauer described and explained the SB 186-Voluntary School Assessment. Delmar School Superintendent, Andy O’Neal added their school board approved the assessment at their last monthly meeting. A lengthy conversation ensued.

A motion to support Delmar School District on SB District on SB 186-Voluntary School Assessment. A motion was made/seconded (Lanier/Waldman) and carried by a roll call vote of 5 Ayes.

### Perdue Property –

Mayor Bauer opened a discussion in reference to the Perdue property which is 17.8 acres owned by the Town of Delmar on the east side of Rt. 13 to the Council Members and attendees. Town Mgr. Fleetwood clarified there is already water and sewer connections on the Stage Rd. side of Rt.13, history, and cost of appraisal for the property. A lengthy discussion occurred.

### Marijuana Ordinance –

Mayor Bauer opened a discussion in reference to the marijuana ordinance to the Council Members. He discussed the stance of other towns on marijuana. A lengthy discussion occurred.

### Impact Fees –

Mayor Bauer opened a discussion in reference to impact fees. Vice Mayor Jones stated he would like for the Town to come up with a plan for impact fees for the roads, schools, and fire department to give back to playgrounds, etc. A lengthy discussion occurred.

## **Department/Committee Reports:**

### Police Chief’s Report –

Lt. Wade reported on behalf of Chief Ivan Barkley: 1.) The recruit in the academy is doing well and is due to graduate mid-December. 2.) PD is currently in the background process with two applicants Chad Porter and Trevor Karpavage. They are due for their psychological examinations on December 4<sup>th</sup> and that will complete their background investigation. So, potentially a hire date is Wednesday, December 6<sup>th</sup> if all goes well. 3.) PD is waiting on the Delmarva Power hook-up and the fence is on order and should arrive in 2-3 weeks for the pole building. All the interior electrical has been wired and done in the pole building. 4.) Extra officers were on patrol for Halloween and it went well. 5.) There have been two fires set in Town parks. One fire was set by an unidentified group of six kids. That investigation is ongoing. The other fire was set at State St. Park and an arrest has been made. 6.) PD has received a grant from Maryland to fund the purchase of Lexipol Policy Management System. The grant amount is \$54,600 which will benefit both MD and DE. They also provide policy training on various things such as use of force based on policies. Typically, Lexipol deals with state specific policies. PD has decided to draft the MD policy which is offered through Lexipol and they will insert DE specific law that is adjacent to or runs counter to the exact same MD law. The entire process has not started yet and should start in a week or two. The entire process should take 4-5

months if not sooner to complete. 7.) The speed limit on East Line Rd. has been reduced from 50 mph to 35 mph from Rt.13 up past Stillwater. Tomorrow PD will install a speed awareness sign. Town Mgr. Fleetwood added DelDot is bringing in some visual boards out by Robinhood Rd. and out past Old Stage Rd. Lt. Alexander described the features of the speed awareness sign. 8.) Four new patrol vehicles have arrived to the dealership and are being prepped for delivery. PD is still waiting on the black and white painting of the vehicles. 9.) Last Thursday night officers conducted a routine traffic stop that started on Rt.13 on the Hardees side and came to an end behind Walgreens. At some point after the stop a backseat passenger got out and fled. There were two officers on the scene and one of the officers gave chase and apprehended the suspect and subsequently found a handgun on his person with an obliterated serial number. The suspected was a felon which prohibited him from carrying a firearm. 10.) PD assisted Laurel, DE in a shooting that took place. Lt. Alexander discussed where the speed awareness sign will be installed and its mobility.

Town Mgr. Fleetwood mentioned for the new budget year FY'25 there is an annual subscription fee for Lexipol. He further mentioned the four vehicles Lt. Alexander mentioned were last years budgeted vehicles. This year's budgeted vehicles have been built.

Lt. Alexander said PD is training two part-time PCOs, Michelle Niblett and Kelly Chamberlain. Ms. Chamberlain is at PD daily with Ed Ferro, III doing training. Ms. Niblett works at the school so it is more difficult to get her in for training. She is going to start doing more nighttime training with PCO Kim Rojas. Hopefully within a month they will both be trained so PD can start some coverage on the weekends for a dispatcher.

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

Public Works – 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.) Reallocation of funds for the HVAC units at Public Works was approved for the new building. 2.) The Lead and Cooper Rule and EPA (Environmental Protection Agency) revisions was explained and discussed for the Town of Delmar. The Delmar, DE side inventory is already done. The Town of Delmar will need a lot of help to get inventory on the ownership end. Roughly of the 2,000 homes we can already count out 1,000 homes because they were built after a certain date. 3.) The dip in the manhole on S. Eight St. and State St. appears to have a concrete tank which is settled. The Town is responsible to fix it but it is the State of MD is responsible for fixing the street. Most of the cost the Town can cover with traffic control. The cost will be \$4,900, without traffic control the cost is \$1,900. 4.) The PD building is improving nicely. Town Mgr. Fleetwood added the fence has been ordered, the contract was signed on November 3<sup>rd</sup>. PD is getting an 8 ft. steel fence at the 6 ft. price which is a two-to-three-week turnaround from November 3<sup>rd</sup> before the material will be here. Once the material is here it will be another 2-3 weeks before the new fence is installed. 5.) The sinkhole on Sandbar Lane will be fixed next week. 6.) State St. Park restrooms are improving nicely and the progress is imminent. 7.) There were additional problems found at the WWTP administration building because of the caustic

spill a number of years ago so dirt and concrete have been moved to get it fixed.

Parks and Recreation Report – No report is included in mail packet.

Council Member McClure reported: 1.) There will be a meeting this month but no meeting in December. 2.) The New Year’s Eve Celebration will not happen this year but planning for it to take place next year.

Planning & Zoning –

Vice Mayor Jones reported:

1. **Blair Carey – Final Approval – 2 N. Pennsylvania Ave., Delmar, DE** – Mr. Carey presented for final approval as referenced per the attached drawings. He said the proposed drawing was extending the rear of the building which is currently just plywood, adding a staircase there, and expand the footprint. There was an old easement that was there which was extinguished. The second and third floor will be apartments and the first-floor will be commercial space as it was originally.

Mayor Bauer asked Mr. Carey if he was considering installing a firewall. Mr. Carey answered once the mechanical, electrical and plumbing plan is done it will be built to code and the fire marshal will have their say. Mr. Carey said he would like to keep the historical look of the building as much as he can. In the commercial space he would like something to drive foot traffic downtown.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Blair Carey – Final Approval – 2 N. Pennsylvania Ave., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Blair Carey – Final Approval – 2 N. Pennsylvania Ave., Delmar, DE, per the attached drawings. A motion was made/seconded (McClure/Lanier) and carried by a roll call vote of 5 Ayes.

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K - Lot 168, TBD, Delmar, DE** – Ms. 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/Spruce/Elevation K – Lot, 168, TBD, Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 168, TBD, Delmar, DE, per the attached drawings. The motion was made/seconded (Waldman/Bauer) and carried by a roll call vote of 5 Ayes.

- 3. Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 8, 11707 Silverbell Dr., Delmar, DE** – Ms. 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 K – Lot 8, 11707 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 8, 11707 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.

- 4. Chris Brown/Ryan Homes – New Home Build Stillwater/Cedar/Elevation K – Lot 96, 38312 Stillwater Dr., Delmar, DE** - Ms. Brown presented a new home build as referenced per the attached drawings. The revised site plan was received 10/31/23.

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 96, 38312 Stillwater Dr., Delmar, DE, with the condition that the front setback and the legend be changed to reflect the actual 26 feet.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 96, 38312 Stillwater Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Waldman/Bauer) and carried by a roll call vote of 5 Ayes.

- 5. Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 163, 11712 Silverbell Dr., Delmar, DE** – Ms. 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 163, 11712 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 163, 11712 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (McClure/Lanier) and carried by a roll call vote of 5 Ayes.

- 6. Chris Brown/Ryan Homes – Stillwater New Home Styles – Dogwood and Elder/Elevations K and L** – Ms. Brown presented new home styles as referenced per the attached drawings. Mr. Brown mentioned the Dogwood is 1300 sq. ft. and the Elder is 2203 sq. ft.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council on the inclusion of two-house types offered in Stillwater for – Chris Brown/Ryan Homes – Dogwood and Elder/Elevations K and L, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – Stillwater New Home Styles – Dogwood and Elder/Elevations K and L, per the attached drawings. A motion was made/seconded (Bauer/Waldman) and carried by a roll call vote of 5 Ayes.

Vice Mayor Jones announced Planning and Zoning Commission Member Outten has announced her resignation so, there is a seat open on the Delaware side for the December meeting.

Fire Department Report – No report is included in the mail packet.

#### Town Manager's Report -

Town Mgr. Fleetwood reported: 1.) Friday, November 10<sup>th</sup> Town Hall and Town Offices will be closed in observance of Veteran's Day. 2.) The block foundation has been put in the State St. Park restrooms, all fixturing for the restrooms has arrived so progress will be seen. 3.) The Phase I sewer project on the MD side on Chestnut St. bacteria test came back today for the new watermain that was installed on the 100 and 200 block. Teal Construction will start tomorrow doing the laterals tying into the homes on those two blocks. When they finish that they will move out to Pennsylvania Ave. and Chestnut St. The intersection will be closed for about a week. Then they will begin work on Pine St. Simultaneously restoration work and concrete work on Chestnut St. will probably begin before the end of the week. In three to four weeks, we should have a new road on Chestnut St. 4.) There will be a change order in the amount of \$20,000 to fix the WWT administration building from the caustic spill that happened a number of years ago. When that is done there will be a ribbon cutting. 5.) All winter items for PW will be stored in their old building. 6.) State St. Park and Gordy Park now have two new little libraries closer to the road in place.

Town Mgr. Fleetwood acknowledged the PD. He said when the graduating class happens next summer that will put the Delmar PD at a strength of 21 which is monumental.

#### **Council Comments**

Council Member McClure had no comment.

Vice Mayor Jones commented he spoke with Water Treatment Plant Superintendent, Sophia Oberton before this meeting and she has 18 students signed up for her apprenticeship water class this year. So, she is very excited about that.

Vice Mayor Jones further commented tomorrow night Delmar boys' soccer team will be playing home against Tower Hill High School. This is the first time ever that they have hosted a playoff soccer game. The game will start at 6:30 p.m. Field hockey will head to the University of DE

Wednesday for the semi-finals at 4:00 p.m. against Caravel Academy.

Council Member Waldman commented last month he took his niece to the library a couple nights and it was another well-done activity event. He said the way it was outlined, all the volunteers that were there. They tend to do a lot of good things there and they have a lot of different programs for all ages.

Council Member Lanier commented in the last couple of weeks/few months Delmar has shown what a special place we are. When things get tuff, we come together. Also, to hear that Trever Karpavage is coming to Delmar, he is one of his favorite students and to have him here is good news to his ears.

### **Public Comments**

None.

### **Adjournment**

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

Submitted by:

Clerk of Council  
Vondell Spencer