

MAYOR & COUNCIL
October 2, 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 and Lanier. Town Manager Fleetwood, Police Chief Barkley, Planning and Zoning Director Twain Evanson, Office Mgr. Kimberly Layton and Clerk I Valerie Seefried. Guests: Ronald Nembhard, Andy O’Neal, Alicia Zahn, and Chisola Sherman. Absent: Council Member Waldman.

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 said Council Member Walmann was not in attendance this evening.

He further said unfortunately, the Heritage Day event had to be cancelled due to bad weather, but next year is already scheduled for September 21st with a rain date of September 27th.

Mayor Bauer stated the bench trial for the person arrested for the brutal beating of Judith and Steve Franklin and the brutal death of Cpl. Heacock is set to begin on October 16th in Georgetown, DE. He said he will be attending.

He further stated this past week, Town Mgr. Fleetwood, P&Z Director Twain Evanson, and himself went to Georgetown, DE to meet with County District One Councilman, County Council President Micheal Vincent, and County Administrator Jamie Whitehouse to discuss the issue of legalized marijuana and how it will affect Delmar as a zoning concern.

Mayor Bauer said this past Thursday he traveled to Dover, DE for a Delaware League of Local Government (DLLG), that hosted two attorneys concerning the legalization of marijuana. One spoke about how to address it in the workplace and the other attorney addressed it from a zoning perspective.

Mayor Bauer announced October 14th the Town of Delmar will hold its second farmers market at State St. Park, October 21st is the Delmar Middle High School Homecoming parade, and October 28th the Fallen Officers Benefit 5K will be starting at 9:00 a.m. Go to totallyradsupplements.com to register or look them up on Facebook.

Approval of Minutes

Due to Council Member Waldman’s absence approval of minutes were tabled until next month.

Unfinished Business

None.

New Business –

Best Remedy Urgent Care – Chisola Sherman

Ms. Chisola Sherman attended the meeting to introduce herself and establishment. She stated that they are a family-owned business and will be opening in December. They will be providing quality health care to our area residents and they will serve all the needs that your doctor could when you are unable to see them. Services will also include Worker's Compensation Injuries, DOT and school physicals.

Municipal Street Aid Motion to Move Funds

Town Mgr. Fleetwood informed the Council that funds that have been expensed for streets and highways as well as certain PD line items were allowed to be reimbursed through this State program. He said a report was furnished by Chief Finance Officer Chandler for their review.

Mayor Bauer called for a motion to approve the Municipal Street Aid to Move Funds. A motion was made/seconded (Jones/McClure) and carried by a roll call vote of 4 Ayes 1 Absent (Waldman).

Ordinance regulating licensure of commercial farming, harvesting, and sale of marijuana or products within the Town of Delmar (Discussion Only)

Mayor Bauer, Vice Mayor Jones, and Council Member Michael McClure said they think the Town should only allow medical marijuana not recreational. Mayor Bauer spoke for Council Member Waldmann who was absent and stated he was only in favor of medical marijuana as well.

Vice Mayor Jones expressed the time of operation should be changed to 10:00 a.m. to 6:00 p.m. seven days a week. The present Council were all in favor of changing the hours and agreed with it being 500 ft instead of 1,000 ft away from a church, school, or park. Council Member Lanier said he thinks the Town should allow recreational with one of his points being they could be in the county right next to our Town and then the Town will have no say. Mayor Bauer commented there is no financial incentive for the Town. Town Mgr. Jeff Fleetwood stated it was not being supported by all the beach resorts. Much discussion occurred.

Halloween Resolution – Mayor Bauer

Mayor Bauer called for a motion to approve the Halloween Resolution 2023-02-10. A motion was made/seconded (McClure/Lanier) and carried by a roll call vote of 4 Ayes 1 Absent (Waldman).

State St. Park Restrooms

Town Manager Fleetwood stated the Town received two bids. The first bid was \$78,800 by High Quality Construction which includes concrete to run from Scout House to State Street. The second bid was \$75,000 which does not include the concrete. He also stated that this project will be paid for with grant money not to exceed \$200,000. Also, an additional urinal will be put in both restrooms. This bathroom restoration will bring them to ADA compliance.

Vice Mayor Jones made the motion to accept the first bid of \$78,800 which includes the sidewalk improvement and Council Member McClure seconded the motion which was carried by 4 Ayes 1 Absent (Waldman).

Police Chief's Report

Chief Barkley reported: 1.) PD has mostly been dealing with domestics, accidents, people with mental and emotional distress issues which is on an uptake as well. 2.) A week ago, there was a female pedestrian struck and seriously injured on Rt.13 southbound near the Delmar Diner. That person is currently still in ICU. 3.) PD has been working on traffic issues and school bus safety because there have been reports of drivers that ignore the flashing red lights on the school buses. 4.) Recruit Kevin Doman in the police academy is doing very well. 5.) The two part-time PCOs have been given conditional offers and they should start training this week. 6.) PD is finishing the backgrounds on the two newest recruits for the next academy class in January 2024. 7.) The PD storage building is we underway. The contractor is pouring the cement pad and having other vendors to install the electric and put up the new fencing. 8.) The PD golf tournament went well this weekend. There was a lot of participation. Chief Barkley thanked Mayor Bauer for attending.

Mayor Bauer asked Chief Barkley if the juvenile offenses were committed by the same juveniles. Chief Barkley answered no. Unfortunately, incidents that occur in the statistical report occur at the school, that is why the stats are elevated.

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

DJ Spence has joined the team working four hours in the morning at the WTP. Mayor Bauer said his addition has been valuable enhancing operational capacity. It is nice to get WTP Superintendent Sophia Oberton some help.

Utility Commission Report – Refer to Utility Commission Meeting 10/2/2023.

Council Member Lanier reported: 1.) The new PW building is now energized. 2.) There was a sinkhole found by the Holiday Inn Express. The Town is going to excavate and evaluate it this week or Wednesday. 3.) Street lights are going to be replaced with LED lights in Breckenridge. 4.) Town Mgr. Fleetwood added the Utility Commission did approve moving \$23,000 from Contingency to Capital Outlay for two 8-inch steel ductile pipes at the Pine St. lift station. 5.) New

windows have come in to install at the WTP to replace the old ones. 6.) Materials have been ordered for the sewer project and should arrive in two weeks and Chestnut St. should be done by Christmas.

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

Council Member McClure reported: 1.) Commissioner Shaffer suggested the possibility of having a New Year’s Eve celebration at downtown which was discussed in last weeks meeting. He said he is unaware that it could be done this year but maybe next year. Town Mgr. Fleetwood suggested the highball behind the caboose could be used as a ball drop. Also, he asked Council Member McClure would the Committee like to have the celebration up to midnight. Council Member McClure answered the Committee wanted to do the celebration earlier. Town Mgr. Fleetwood responded he would like to discuss this with staff to make sure the celebration can happen in calendar year 2023 if not calendar year 2024.

Planning & Zoning – There was no meeting last month.

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

Town Manager’s Report -

Town Mgr. Fleetwood reported: 1.) Town Manager Fleetwood informed the Council Stillwater ribbon cutting is scheduled for October 5, 2023 at noon and everyone is welcomed. 2.) Concrete is being poured this week at the PD outbuilding. 3.) Contractor ECM is in Town again to finalize a punch list of four to five items. When they leave the punch list will be completed. 4.) The Town will be selling additional items on Govdeal’s. 5.) Starbucks will be having their ribbon cutting October 31, 2023 with a Halloween theme. 6.) Town Mgr. Fleetwood discussed a new Maryland law called Maryland Time to Care Act. He said a letter of intent has been sent to MML stating the Town of Delmar would like to be a part of consortium. The law will help employees that have to be out for FMLA.

Council Comments

Council member Todd Lanier commented that the school culture was going well this year. Vice Mayor Jones commented on the success of the PD golf tournament.

Public Comments

1. Superintendent O’Neal stated that the school year was off to a great start and awesome unity of the community and students. He also stated he appreciated everyone involved in painting the paw prints on Eighth Street. The students really love it as well as everyone at the school district.

Adjournment

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

Submitted by:

Office Clerk Kimberly Layton

Clerk I Valerie Seefried