

MAYOR & COUNCIL
September 5, 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 7:06 P.M. This meeting is available to the public, in person with limited seating and via teleconference. In attendance were Vice Mayor Jones, Commissioner Shaffer, Council Members McClure and Waldman. Town Manager Fleetwood, Police Chief Barkley, P&Z Director Twain Evanson, Water Treatment Plant Superintendent Sophia Oberton, and Clerk of Council Vondell Spencer. Guests: Ginger Trader, Julia Williams, Pamela Broussard,Carolynn Foxwell, Jigar Patel, and Rodney Brown. Absent: Council Member McClure and Council Member Lanier.

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

Mayor's Comments

Mayor Bauer welcomed all attendees to the monthly meeting.

Mayor Bauer commented a week ago Sunday, the family of Cpl. Keith Heacock along with friends, neighbors, town staff and officials gathered to honor and remember Cpl. Heacock dedicating Cpl. Heacock Way in his memory and honor. None of us will ever forget the heroism and ultimate sacrifice he made.

Mayor Bauer said this past Friday Delmar opened its football season with a big win. He wished the players good luck on this Friday's game. He further wished good luck to the field hockey team this Friday in their tournament at Cape Henlopen.

He further said the Kiwanis Club of Delmar is holding its annual car show this Saturday at the raceway. Hopefully the weather cooperates.

Mayor Bauer commented the first farmers market will be held at State St. Park September 16th from 10:00 a.m. to 2:00 p.m.

Mayor Bauer announced Heritage Day will be September 23rd.

Mayor Bauer said a huge congratulation is in order for WTP Superintendent Sophia Oberton, for being awarded the Chesapeake Section American Water Works Association Distinguished Service Award. This Tri-Con award covers Maryland, Delaware and the District of Columbia. The three associations together teach classes and have award ceremonies for the Chesapeake Division of Water and Waste Water Treatment.

He further said this also includes the Chesapeake Water Environment Association. Quoting DBF Engineer Josh Taylor, “Sophia your work ethic and dedication to the people of Delmar is amazing”. Mayor Bauer congratulated Ms. Oberton and said even before he was elected, he had a tour of the WTP and he has seen the difference Ms. Oberton has made in a short amount of time. He said she has done excellent work. Ms. Oberton responded thank you.

Approval of Minutes

Mayor Bauer called for a motion to approve the August 7, 2023 meeting minutes. A motion seconded (Jones/Waldman) and carried by a roll call vote count of 3 Ayes 2 Absent (McClure/Lanier).

Unfinished Business

None.

New Business –

D.A.R. (Daughters of the American Revolution)

Mayor Bauer presented and read the Daughters of the American Revolution Proclamation.

Wayback Burger Restaurant

Mr. Jigar Patel shared his new business Wayback Burger. He said the construction started two months ago and they are hoping to be open by the end of November or early December. He discussed the history of Wayback Burger, total restaurants throughout and outside of the country, what they are known for, originality, locations in DE, menu, quality of the burgers, prices, and hours of operation. Town Mgr. Fleetwood asked Mr. Patel if the plans had a drive-thru. Mr. Patel answered no.

Lot Line Adjustment “Perdue Property”

Mayor Bauer stated there are two parcels, the larger parcel is 14 acres on the east side of Rt. 13 and the smaller parcel is on the west side of Rt.13 which is 3 acres. By implementing a lot line adjustment, it would probably be easier to sell both parcels. The smaller parcel can be developed on the west side of Rt.13. There could also be more development in the Town of Delmar if a lot line adjustment was done. At this time the property is zoned commercial. Town Mgr. Fleetwood clarified this topic is for discussion and no action to be taken. A discussion occurred.

Delaware Avenue Sewer Project

Town Mgr. Fleetwood said Delaware Ave. from Fourth St. to Eighth St., the main sewer line has been jettted about a half dozen times, it’s collapsed and it needs to be replaced. The concern is the cost to replace the sewer line which is going to run an excess of \$500,000. The money has been allocated from the county, state, and this Council two years ago appropriated funds from ARPA for the main sewer line to be replaced. The Town will proceed following the Phase 1 project in MD. The same contractor will be used to replace the main sewer line which will be on the DE side Phase 3.

Vice Mayor Jones asked Town Mgr. Fleetwood what the plans were for Sixth St. Town Mgr. Fleetwood answered the road that runs north and south off of State St. over to Grove St., the catch basin that is inside the park, the pipe which was collapsed was replaced. The catch basin in the park to the center of First St., the pipe which was collapsed was replaced. The bigger issue is as you converse off of Sixth St. going to Seventh St. about 150 feet in from Sixth St. going east there is a complete blockage of roots. There is a garage on top of it, and trees on top of it. He said he is awaiting quotes for pipe bursting. The pipe bursting will be a costly fix but it needs to be done.

Mayor Bauer stated recently driving around in different towns he saw banners for military veterans and he understood Delmar wanted to do the same last year but there was trouble getting the photographs. He asked the Council their opinions about trying to have the military banners next year. He said he does have a plan to get the photographs for next year. A conversation ensued. The Council was onboard with the concept.

Police Chief's Report

Chief Barkley reported: 1.) No new crime trends. 2.) This afternoon PD finished the last of the CVSAs (Computer Voice Stress Analyzer) for the two part-time dispatchers that were approved. 3.) PD has completed CVSAs for the two additional officer candidates. The next phase of the process which is the interviews and backgrounds will take place over the next couple of weeks. 4.) The recruit that is in the academy, Kevin Doman, is progressing well and is expected to have a successful completion in December. 5.) The two patrolmen PTLM Erdie and PTLM McGrath are also doing well. They should be completing their field training very soon. Once their field training is completed PD will have their DE certifications in hand and they will be able to work. 6.) PD is looking forward to Heritage Day on September 23rd and the DPD Golf Tournament on the September 30th. 7.) PD has increased their presence around the school both in the morning and afternoon to try and curb some of the bad behavior, running stop signs and speeding through the neighborhoods. 8.) The building contractor for the PD pole building should begin work next week. 9.) Chief Barkley said he will be out of the office next week because he will be at the MD Chief's and Sherriff's Conference and he will be assisting with applicant interviews for the next Chief of Salisbury PD.

Mayor Bauer said he seen that drug arrests have increased since last year. He asked Chief Barkley if they were fentanyl related. Chief Barkley answered it's all fentanyl related but the more resources PD has the more work they can get done.

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

Mayor Bauer reviewed the opening date for Starbuck's. A conversation ensued.

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

Utility Commission Report –

Commissioner Shaffer reported: 1.) WTP Superintendent won a great award, she was nominated by DBF Engineer, Josh Taylor and everyone in Town should be proud of her. The WTP has not

been nominated for an award since 2009. Ms. Oberton is trying to figure out ways she can save the WWTP thousands of gallons in unneeded treatment of the waste from the WTP.

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

Planning & Zoning

1. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 11, 11713 Silverbell Dr., Delmar, DE** – Ms. Brown presented a new 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 11, 11713 Silverbell Dr., 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 11, 11713 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Waldman/Jones) and carried by a roll call vote of 3 Ayes 2 Absent (Lanier/McClure).

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Aspen/Elevation K – Lot 12, 11715 Silverbell Dr., Delmar, DE** – Ms. Brown presented a new 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/Aspen/Elevation K – Lot 12, 11715 Silverbell Dr., Delmar, DE, per the attached drawings.

Mayor Bauer called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Aspen/Elevation K – Lot 12, 11715 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Waldman/Jones) and carried by a roll call vote of 3 Ayes 2 Absent (Lanier/McClure)

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 13, 11717 Silverbell Dr., Delmar, DE** – Ms. Brown presented a new 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/Birch/Elevation K – Lot 13, 11717 Silverbell Dr., Delmar, DE, per the attached drawings.

Mayor Bauer called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 13, 11717 Silverbell Dr., Delmar, DE, per

the attached drawings. A motion was made/seconded (Waldman/Jones) and carried by a roll call vote of 3 Ayes 2 Absent (Lanier/McClure).

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation L – Lot 167, 11704 Silverbell Dr., Delmar, DE** – Ms. Brown presented a new 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 L – Lot 167, 11704 Silverbell Dr., Delmar, DE per the attached drawings.

Mayor Bauer called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation L – Lot 167, 11704 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Waldman) and carried by a roll call vote of 3 Ayes 2 Absent (Lanier/McClure).

Vice Mayor Jones mentioned the Planning and Zoning Commission recommended to go forth with changing the light industrial zoning to R-1 zoning to the rest of the houses in the neighborhood of Memorial Drive. He said that will be coming at some point to match the Comprehensive Plan for the code. A conversation ensued.

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

Town Manager's Report -

Town Mgr. Fleetwood reported: 1.) P&Z Director Twain Evanson has completed 90 days of employment for the Town of Delmar. Everyone in attendance thanked Mr. Evanson. 2.) The farmer's market is September 16th from 10:00 a.m. to 2:00 p.m. at State St. Park oriented on the north end up around the pavilion. Town staff has narrowed the logos down to two logos for the farmer's market. 3.) Mayor Bauer, Mr. Evanson, and himself went to State St. Park today evaluating the restrooms trying to get an idea for restoring them. There is already funding in place for converting the restrooms to 2023 and ADA accessible. 4.) Power has been run to the trees on Pennsylvania Ave. on the north end. Next week the vendor is supposed to be onsite to wrap those trees with white lights because the plan is to have them wrapped by Heritage Day. 5.) Heritage Day is September 23rd from 10:00 a.m. to 2:00 p.m. on Pennsylvania Ave. on the MD and DE side. All the vendors will be on the DE side and all of the static display items will be on the MD side. There will be free horse and buggy rides, Double Nickels Band, rock climbing wall, basketball tournament at Gordy Park, food, and produce. 6.) November 14th at 12:00 p.m. the Town Employee Holiday Luncheon will take place at the upstairs of the Fire Department with catering by, Your Turn To Cook. 7.) N. Second St. on the DE side from State St. to Lincoln Ave. has been repaved. A lot of the millings were repurposed at the PD where the new pole building will be. 8.) Next Monday evening around 6:40 p.m. before the MD meeting we are going to gather in front of the PD if it is not raining, if so, we will go inside because we want to do something for someone. 9.) The closing date for the MDE (Maryland Department of the Environment) loan is scheduled for September 27th. 11.) Administrative Assistant Starr

Conaway and Town Mgr. Fleetwood are working on the current employee handbook that is out dated. There is a lot of updates and a lot of terminology that has changed. After some strike throughs and changes it will be presented to the elected body for approval moving forward.

P&Z Director Evanson updated the Council on a public hearing that took place last week for Mr. Darrin Wyatt. He said Mr. Wyatt's property is zoned Community Business District. Mr. Wyatt wanted to add contractor's yard to the text as a use of space. The board members approved this with exception to have the property fenced in and storing equipment inside the fence but not allowing the storage building on the property unless Mr. Wyatt provides proof that he is going to get water and sewer available to the property. Currently there is no water and sewer running anywhere close to his property. A discussion occurred.

Mayor Bauer commented he was recently asked could the sidewalks on Eighth St. be done. Town Mgr. Fleetwood answered yes, the cost will be completely born by the Town. For FY'23 the funding that was received from Representative Dukes and Senator Richardson was all spent out in front of the high school. If the Town wants to do the sidewalks on Eighth St. it is going to have to be from a source that the Town has or the Town can wait until the next funding year to target the state to see if the Town can get money from there and that is his recommendation. A conversation ensued.

Mayor Bauer stated let the record reflect that Council Member Lanier arrived at 7:53 p.m.

Council Comments

Vice Mayor Jones commented he thought the tribute for Cpl. Heacock was very nice and very well attended. A lot of positives for the Town and even the concert, the vibe was just good.

Council Member Waldman commented the street dedication last week was very well attended and well done.

Council Member Lanier apologized for being late. He said he feels Delmar is doing really good right now. School is starting back up and he thought it is a good time to be in Delmar.

Public Comments

1. Carolyn Foxwell commented the DAR (Daughters of the American Revolution) and Children of the American Revolution have done the military banners in Seaford. So, they will be more than glad to help the Town with their military banners. A conversation ensued.

Adjournment

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

Submitted by:

Clerk of Council