

## **JOINT COUNCIL MEETING**

### **January 2, 2024**

The regularly scheduled Joint Council meeting, comprised of the Mayor & Council of Delmar, DE and the Mayor and Commissioners of Delmar, MD, was called to order at 7:00 p.m. at Delmar Town Hall by Mayor Bauer. In attendance via role call were Mayor Bauer, Deputy Mayor Lenox, Vice Mayor Jones, Commissioners Boothe, Nembhard, and Shaffer, and Council Member McClure, Town Manager Fleetwood, Chief Ivan Barkley, and Clerk of Council Spencer. Guests: Jay Kaverweiden, Rodney Brown, James Faulkner III, James Faulkner Jr., Justin Elliott, Joshua Joyner, Troy Foxwell, BJ Foxwell, R. Alan Lankford, A. Lankford, Michael Niblett, Jodi Holloman, Delmar High School Field Hockey Team, Tom Nichols, Farrah Morelli, and Julianna Morelli were in attendance. Absent: Council Member Lanier.

#### ***Called to Order***

Mayor Bauer called the meeting to order and Delmar Field Hockey Coach Holloman lead the Pledge of Allegiance.

A quorum was established with the Mayor and Council, four members and Mayor and Commissioners, five members.

#### ***Mayors Comments***

Mayor Bauer asked for a moment of silence for prayer for former Council Member Greg Smith and his wife.

Mayor Bauer said Happy New Year to everyone in attendance and welcomed the Delmar Field Hockey Team.

Mayor Jorden congratulated the Delmar Field Hockey Team for winning their 8<sup>th</sup> championship and said Happy New Year to everyone.

#### ***Approval of Minutes***

Mayor Bauer asked for a motion to approve the Joint Council December 11, 2024 minutes. A motion was made/seconded (Boothe/Jones) and carried by a roll call vote of 9 Ayes 1 Absent (Lanier).

#### ***Unfinished Business***

None.

## ***New Business***

Field Hockey Presentation – Mayor Bauer and Mayor Jorden presented the Delmar Field Hockey Team with a plaque for winning their 8<sup>th</sup> Championship. Mayor Bauer said he has attended some of the home games and the young ladies are just amazing.

## Community Development Block Grant (CDBG) Public Hearing –

Sussex County Community Development Block Grant Administrator, Mike Jones discussed and explained the CDBG requirements, rehab work on houses that receive the grant, 5-year liens that have to be put on the homes, stipulations of the loans, the amount of money received to work in Delmar, and number of houses waiting on the list. Mr. Jones provided a phone number for the Community Development Block Grant which is (302) 855-7777. A conversation ensued.

## ***Student Advisory***

Julianna Morelli (DE) reported: 1.) The first day back from the holiday break was today. 2.) There is a new semester system this year and the first semester ends on January 26<sup>th</sup> after the first semester final exams. 3.) The middle and high school will have an 11:45 a.m. dismissal from January 23<sup>rd</sup> through January 26<sup>th</sup> so students can take their final exams for their first semester. 4.) School will be closed on Monday, January 15<sup>th</sup> for Martin Luther King Day. 5.) The second semester will begin on Tuesday January 30<sup>th</sup>. 6.) The next school board meeting is on Tuesday, January 16<sup>th</sup> at 6:30 p.m. 7.) January 6<sup>th</sup> All-State Jr./Sr. band auditions will take place. 8.) January 22<sup>nd</sup> County Honors Band Auditions will be held. 9.) Students have been practicing for the upcoming production of “Into the Woods”, The performances of that show will be March 8<sup>th</sup> and 9<sup>th</sup>. 10.) The next competition for the Math League will be January 10<sup>th</sup>. The Freshman Math League Team is currently ranked number one in the state. 11.) Delaware FFA has an ice-skating trip on January 15<sup>th</sup> in Harrington, DE from 12:30 p.m. to 2:30 p.m.

Aley Lankford (MD) reported: This is a busy time of the year for the upperclassmen. 1.) College application season is coming to an end with most college applications due by the end of this week. FASFA just opened for the year and many families will be submitting their applications for financial aid very soon. The school is having a FASFA workshop on January 11<sup>th</sup> at 6:00 p.m. at the school. It is expected that there will be errors, bugs, and glitches with the new form because the government just made the biggest changes to the form and student aid in 40 years. 2.) The school district is participating in a Trades Exploration Program in partnership with the Sussex Tech Adult Division. Students can learn more about HVAC, plumbing, electricity, heavy equipment operating, carpentry and welding. The training dates are January 29<sup>th</sup> through February 15<sup>th</sup>. Transportation will be provided if needed. Pre-registration is required and the program is limited to 20 spots for Sussex County students. 3.) Boys Basketball regular season record so far is 3 wins and 4 losses. The next game will be against Early College School on January 4<sup>th</sup> at 5:45 p.m. 3.) Girls Basketball regular season record so far is 2 wins and 2 losses. The next game is away against Early College School on January 4<sup>th</sup> at 6:30 p.m. 4.) Wrestling just competed at the Sussex Central King of the Castle Tournament. The next match is

tomorrow, it's at home against Red Lion Christian Academy. The middle school match starts at 4:00 p.m. followed by varsity at 5:30 p.m. The process for tickets is still \$5.00 for adults and \$2.00 for students.

1<sup>st</sup> Reading Marijuana Ordinance #180 –

Mayor Bauer read Marijuana Ordinance #180. Town Mgr. Fleetwood added next month will be the regular scheduled meeting, DE will hold a Public Hearing.

Stillwater (Flooding Issues) –

GMB Project Engineers for the Stillwater project, Mr. Silva and Town Mgr. Fleetwood discussed flooding, DelDot decisions, storm-drains, flows, culverts, catch basins, MDE, and reasonings for the flooding that occurred December 18<sup>th</sup> at the Stillwater Development. Much more discussion followed.

Mr. Jay Klaverweiden, gave accounts of the years the Town of Delmar has seen substantial rainfall and how his property never flooded until December 18<sup>th</sup>. He expressed his pasture flooded, loss of hay, and loss of beehives. A discussion occurred.

Deputy Mayor Lenox stated the Council will be looking very skeptically at future building permits for the Stillwater Development. The Town of Delmar building inspector cannot get out to the Stillwater Development to perform his inspection, and perspective home owners can't see their possible homes. As far as the solutions GMB have put into place the Town will see if they work. A conversation ensued.

Mr. Troy Foxwell stated when they are not pumping water onto Mr. Klaverweidens' land they are pumping the water onto his land if flooding occurs. He said his chicken house is flooded, loss of hay, and loss of chickens because of their pumping water onto his land. He further said they think they are pumping onto their own land and it is running straight down to his land. A conversation ensued.

Mr. B.J. Foxwell stated he is on the west side of Rt.54 and Mr. Troy Foxwell is on the east side of Rt.54 and they both have this problem. He said they want to make sure the perspective new home owners are going to get taken care of but let's not forget about the residents that have been there for over 30 years. He asked that the Council to take into consideration the existing families that have been there for over 30 years. A conversation ensued.

A decision was made by the Council to table the upcoming Ryan Homes permits until more heavy rainfall occurs to see if the solution that GMB worked.

Employee Pension–

Town Mgr. Fleetwood presented the State of DE Employee Pension Program. He proposed ceasing the retirement savings account VOYA. Town Mgr. Fleetwood discussed and explained the differences in the VOYA plan and the State of DE Employee Pension Program, retirement

overview, buying years of service, contributions by the Town, what the employee gains, employee 3% contributions, two and a half to three percent raise in salary to cover the contribution, and receptivity of employees. A conversation ensued.

Mayor Bauer called for a motion to permit the Town of Delmar to enter into a contract with the Delaware State Board Pension Trustees allowing the Town to participate in the State of Delaware Employee Municipal Pension Plan and include a three percent salary adjustment. A motion was made/seconded (Boothe/Jones) and carried by a roll call vote of 9 Ayes 1 Absent (Lanier).

#### Resolution #2024-01-02

Mayor Bauer read the Delaware State Board Pension Trustees Resolution #2024-01-02.

Mayor Bauer called for a motion to accept Resolution #2024-01-02. A motion was made/seconded (Shaffer/McClure) and carried by a roll call vote of 9 Ayes 1 Absent (Lanier).

#### ***Department Committee Reports:***

##### Police Chief's Report –

Chief Barkley reported: 1.) There was a short period that some individuals were going through cars as the Town has had from time to time. During that time one of the victims was a DE State employee that lost some important equipment out of an unlocked vehicle. PD has identified at least one of the individuals involved. The suspects are local youth and not someone with a dependency issue. 2.) Officer Kevin Doman graduated the academy with educational honors and he is currently undergoing his field training. 3.) As of tomorrow morning, PD's two newest recruits will begin their 24 weeks in the police academy. 4.) The part-time PCO's both have their DE certification and one now has her MD and DE certifications. Last Saturday she did some work on her own. Once she gets comfortable with the computer systems, PD will work her into more time. 5.) The fencing around the PD is going up and the garage has been just about completed. Chief Barkley said he expected to have the gates on the fencing at some point this week. The pole building contractors are supposed to come in this week and do some tweaking and finish some work that needs to be done inside of the pole building. All four of the Durango's are inside of the pole building from the FY'24 Budget.

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

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

##### Utility Commission Report –

Commissioner Shaffer said the meeting was held at 6:30 p.m. this evening.

Commissioner Shaffer asked everyone to keep former Council Member Greg Smith and his family in prayer. He said the Town does appreciate Mr. Smith's work for many years on the Utility Commission.

Commission Member Shaffer reported: 1.) A MDE (Maryland Department of the Environment) letter was discussed at the 80%-90% threshold of the WWTP. He explained when a certain capacity is reached there needs to be an implementation plan or at least working towards an implementation plan for improvements. Town Mgr. Fleetwood mentioned in the meeting that 3 years ago the flows were probably the most significant due to heavy rainfall. The Utility Commission thanked WWTP Director, Frank Daniels for planning for lower numbers and also treating water, managing water, etc. He further mentioned WTP Superintendent, Sophia Oberton has reduced the waste flow from the WTP by about 20,000 gallons per day which has saved the Town of Delmar money. 3.) When the five and a half inches of rain arrived CES pumped off 20,000 gallons of waste to save it from the WWTP. There were no overflows or any issues. The Town of Laurel took the waste that was pumped and Commissioner Shaffer thanked them.

#### Parks and Recreation –

Council Member McClure stated there was not a meeting in December.

#### Fire Department –

Deputy Fire Chief, Josh Joyner reported statistics for the month of December and the year 2023. Town Mgr. Fleetwood asked Mr. Joyner how many outside agencies respond out of district to Delmar. Mr. Joyner answered about 50. .

#### Planning and Zoning Report –

Deputy Mayor Lenox reported:

1. **Doug Marshall (Oaked 54 Restaurant) – Approval for Deck, Stage, and Backyard – 30503 E. Line Road, Delmar, MD** – Deputy Mayor Lenox said the Planning and Zoning meeting took place December 21, 2023. He summarized the evolving plans at the Oaked 54 Restaurant. He further said the plans for Oaked 54 were very well received by the Commission and Oak's liquor license covers the entire premises. The Commission supported the outdoor plan in concept and most specifically for a second-floor deck. In addition to the deck, off of the east side of the building and behind that is the location of the permanent stage. The Commission is satisfied with the parking Oaked provides.

Mayor Jorden asked Deputy Mayor Lenox if it was understood that the Town has a noise ordinance and certain procedures to follow with that. Deputy Mayor Lenox answered he cannot address that definitively; they discussed special events which is what they have more experience with, the PD's role, FD, and EMS.

Commissioner Shaffer asked P&Z Director, Twain Evanson if there is going to be a capacity rating on the commercial deck on the second floor. Mr. Evanson answered yes. Currently, GMB is designing the deck so he has seen that, but in terms of noise what the Council is viewing on the right southern side of the stage, Mr. Marshall has recommended high volume speakers and he will build a metal structure for the speakers. So, that tells him there will be huge concerts there so the noise violation could be an issue. Mayor Jorden voiced his concern, and Chief Barkley voiced his concern. A discussion occurred.

Deputy Mayor Lenox called for a motion to approve – Doug Marshall (Oaked 54 Restaurant) for – the concept plan second floor deck, to defer action for the stage, and backyard improvements for further discussion– 30503 E. Line Road, Delmar, MD, per the attached drawings. The motion was made/seconded (Shaffer/Nembhard) and carried by a roll call vote of 5 Ayes.

2. **Jennifer Newton/Mike Edwards (Ponds Edge) – New Construction of 7 Garages – Delmar, MD** – Mr. Edwards presented for new construction of 7 garages. Deputy Mayor Lenox added all of the garages were included in the original site plan but the building elevations were never provided to see what they look like. Of the seven garages two of them are ADA Accessible.

Deputy Mayor Lenox called for a motion to approve – Jenifer Newton/Mike Edwards (Ponds Edge) – New Construction of 7 Garages – Delmar, MD, with the two conditions noted by the Planning and Zoning Commission as submitted. The motion was made (Boothe/Nembhard) and carried by a roll call vote of 5 Ayes.

Vice Mayor Jones reported:

Vice Mayor Jones informed Mr. Brown that he thought it was best that the Mayor and Council tabled the approvals for Chris Brown/Ryan Homes due to all the flooding in anticipation for the outcome of the solution for the flooding at the Stillwater Development. He clarified the dates of when the approvals will be given if the problem is fixed.

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

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.

Vice Mayor Jones called for a motion to table for a month - Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 99, 38346 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (McClure/Waldman) and carried by a roll call vote of 4 Ayes 1 Absent (Lanier).

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

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 table for a month - 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 (McClure/Waldman) and carried by a roll call vote of 4 Ayes 1 Absent (Lanier).

**3. Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation L – Lot 6, 11703 Silverbell Dr., Delmar, DE –**

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation L – Lot 6, 11703 Silverbell Dr., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to table for a month - Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation L – Lot 6, 11703 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (McClure/Waldman) and carried by a roll call vote of 4 Ayes 1 Absent (Lanier).

**4. Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 10, 11711 Silverbell Dr., Delmar, DE –**

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 table for a month - 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 4 Ayes 1 Absent (Lanier).

**5. Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 93, 38322 Stillwater Parkway, Delmar, DE –**

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 table for a month - 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 (McClure/Waldman) and carried by a roll call vote of 4 Ayes 1 Absent (Lanier).

**6. Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 170, 38339 Stillwater Parkway, Delmar, DE –**

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 table for a month - 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 (McClure/Waldman) and carried by a roll call vote of 4 Ayes 1 Absent (Lanier).

***Town Manager's Report***

Town Mgr. Fleetwood said he hopes former Council Member Greg Smith and his wife weather what they are going through.

Town Mgr. Fleetwood reported: 1.) Acceptance notification was received in reference to the grant for Gordy Park's resurfacing of the basketball courts, pavilion and playground equipment. More to come in late February or March. 2.) The soil boring from compression testing has come back from the dip on the MD side of the dotted yellow line on State St. by Nineth St. The results were not quite where the Town would like for them to be but there is a plan so, he will be going to the UT Commission once he gets numbers on what it will cost to fix the dip. Town Mgr. Fleetwood discussed the plan with the Council. 3.) Town Mgr. Fleetwood was informed by the contractor for he fencing around the PD that the gates are in, there is five sections of fence short and it should be in by the end of this week. The millings that are around that fence will be picked up. 4.) Chestnut St. has a new road and the contractor will be back tomorrow and the hopes are they heat that center line and recompact it. 5.) Today Teal Construction is working on the INI project on Pine St. 6.) Public Works Superintendent, Bob Conaway has been assigned to replace and straighten street signs within corporate limits starting on Phase I which is the MD west side and move to Phase II which is the DE west side. The cost is about \$12,000. 7.) Town Mgr. Fleetwood thanked the Council for what they have done for the retirement.

***Council/Commissioners Comments:***

Council Members McClure, Waldman, Deputy Mayor Lenox, and Commissioner Nembhard had no comment.

Vice Mayor Jones asked Town Mgr. Fleetwood if there needed to be a permanent person at the WTP with WTP Superintendent, Sophia Oberton because each month there is one employee from Public Works at the WTP. Town Mgr. Fleetwood answered we are going to work towards that but right now he would like Ms. Oberton to have those additional hands because right now



the PW employee is only there a half of a day per day. So, the other half of his day is Public Works. A discussion occurred.

Commissioner Shaffer asked Town Mgr. Fleetwood if he can add to the punch list, back fielded crush-n-run be removed that was put around the meter in some resident's yards by Teal Construction. and put it back like it should be.

Commissioner Boothe said the no turn sign has been knocked down at Rite Aid. He asked Town Mgr. Fleetwood if it is the Town's responsibility can it be up righted. Town Mgr. Fleetwood asked the location of the sign to get it up righted. He further asked Town Mgr. Fleetwood if there is any plan once the employee gets trained on the streetsweeper if some of the subdivisions like Breckenridge, Wood Creek, Yorkshire, etc. can be streetsweeper as well. Town Mgr. Fleetwood answered absolutely.

Commissioner Boothe thanked Town Mgr. Fleetwood publicly for initiating LED streetlights at Breckenridge.

Vice Mayor Jones asked Town Mgr. Fleetwood if the Town can close off the turn lane that leads to the Rite Aid drive through which is now closed. Town Mgr. Fleetwood answered it is a private road.

Mayor Jorden thanked everyone for attending the meeting.

Council Member Waldman commented there was an incident Friday or Saturday with a delivery truck from US Foods that made a turn where they were not supposed to and it did go into the corner yard by the Delmar Nursing Home. He said it was addressed immediately by the resident there. The director did come out and address it and handled it. The truck driver seemed to not want any responsibility for what happened.

***Public Comments:***

None.

**Adjournment –**

After hearing no further comments, Mayor Bauer asked for a motion for adjournment. A motion was made/seconded (Jones/Shaffer) and carried by roll call vote of 9 Ayes 1 Absent (Lanier).

Clerk of Council

Vondell Spencer