

MAYOR & COMMISSIONERS
February 12, 2024
MEETING HELD IN-PERSON AND VIA TELECONFERENCE

Mayor Jorden called the regular scheduled meeting of the Mayor and Commissioners of Delmar, Maryland 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 Deputy Mayor Lenox, Commissioners Boothe, Shaffer, and Nembhard. Town Manager Fleetwood, Town Attorney, Robert Benson, Lt. Michael Bond, and Clerk of Council Vondell Spencer were in attendance. Guests: Doug Marshall, and Jackie Milter.

Mayor Jorden led the Pledge of Allegiance.

Mayor's Comments –

Mayor Jorden commented he hoped everyone was having a good evening and a good start to the new year.

Approval of Minutes –

A motion was made, seconded, (Shaffer/Boothe) and carried to approve the Joint Council January 2, 2024 meeting minutes as circulated by a roll call vote of 5 Ayes.

Unfinished Business –

Oaked 54 Restaurant

Mr. Marshall said he was in attendance to discuss the potential stage at Oaked 54 Restaurant. There was a concept plan submitted because Mr. Jason Welch, owner of Oaked 54 Restaurant was trying to get a masterplan with this concept plan because he did not want to come and attend meetings every time, he has an event or if he wanted to build a tiki bar etc.

Mayor Jorden asked Mr. Marshall what the intended use was in reference to the stage, if it would be every night or everyday concert because the concern of noise is for the residents. He said he wanted to make sure that the noise ordinance would be followed and people would be able to live their daily lives in their homes and not be disturbed. Mr. Marshall responded he reviewed the noise ordinance and he is aware the annoying sound has to be off between 10:00 p.m. and 7:00 a.m. He further responded he did not see events happening every night at the stage but he could see smaller performances throughout the week, Wednesday through Sunday, but as far as the future he is unaware what the future would bring but he will follow the ordinance. Mr. Marshall further responded he can see bands on the weekends but seven days a week absolutely not and their shows will not be rock concerts. A discussion occurred.

Mr. Marshall said on the weekends they will extend the end of the building out if Mr. Welch still wanted to continue to work on the project to build a deck on the eastside end of the building and put

an outdoor bar there. The way that the stage is positioned, the 20-foot side of it will face the actual restaurant, (the overhang). So, it's like the Oaked 110 Restaurant; they always have bands out in their yard and the bands perform to the people under the canopy.

Deputy Mayor Lenox stated the Mayor and Commissioners are concerned about the neighborhood and the potential for disruption but they are not really grandfathering anything. The zoning says the property can be used for a restaurant and sure you can have entertainment but there is a series of town ordinances/nuisance codes that can be adapted if they find there are some behaviors out there with customers or owners. He further stated the ordinances/nuisances could even get tighter than what is in place now. A discussion occurred.

Mayor Jorden mentioned to Mr. Marshall events that are happening, as a common courtesy they need to make the neighbors aware, Heron Ponds, etc.

Commissioner Shaffer commented having this discussion brought up good points that needed to be vocalized to bring everything to light.

Town Mgr. Fleetwood clarified in the current noise ordinance Section 6 states permits for amplification. He asked Mayor Jorden if he and the Commissioners are implying that Mr. Marshall has a blanket to do what he needs or if he needs to submit an amplification permit application 15 days in advance. Mayor Jorden answered he does not think that Mr. Marshall needs to submit a permit for something that could potentially happen every week. As of now the bigger events require a permit. Town Mgr. Fleetwood said he is concerned with educating the residents of Heron Ponds and the 10:00 p.m. shut-off for the noise ordinance. Mr. Marshall said they are absolutely certain shows will happen either inside, outside or both on Thursday, Friday, and Saturday. A discussion occurred.

Mayor Jorden asked for a motion to approve the Oaked 54 Restaurant stage plan as submitted. A motion was made/seconded (Nembhard/Boothe) and carried by a roll call vote of 5 Ayes.

New Business –

Parks and Recreation Committee By-Laws

Commissioner Boothe said the committee met last month and one of the things that needs to be updated are the current by-laws. The main change is Section 5 because there is no treasurer position because of the way Parks and Recreation is set up now. He further said that the existing by-laws were established with the Mason Dixon concession stand so there was actually money exchanged with that and there was an account that was set up as well which has been closed and that money has been put back into the Parks and Recreation budget. There are also a couple words which say treasurer that needs to be struck.

Mayor Jorden asked for a motion to accept the By-Law changes for the Parks and Recreation Committee. A motion was made/seconded (Lenox/Nembhard) and carried by a roll call vote of 5 Ayes.

Committee Reports:

Police Chief's Report –

Lt. Michael Bond reported as follows: 1.) Lt. Bond reviewed the stats for the PD. 2.) There have been several drug arrests over the past several months. The drugs that PD is seeing right now is heroin which is actually fentanyl and crystal meth, also cocaine which is being cut with fentanyl. 3.) PD has seen an influx of scams with the elderly. 4.) Vehicle break-ins are still occurring, they are mobile, and slowed down. 5.) One patrol car is at First Due Customs in Seaford, DE and the other three police cars are in the garage. 6.) Lt. Bond reported he just picked up 13 computers from the Chief of Police Funds and they have a grant this year of about four million dollars which was divided and this will also save on what PD needs for next years' budget. 7.) The recruits in the academy are doing very well. Trevor Karpavage is the class leader. Officer Kevin Doman that graduated out of the academy in December is doing very well. Mr. Doman is halfway into completing his Delaware FTO and all his DE has been scheduled or completed. Hopefully by the end of March Mr. Doman should fully have his field training completed. 8.) PD applied for a grant to get additional body cameras and there is still no word on those grants. 9.) There were at least 6-7 unattended deaths over the past 60 days. He said it is a lot of elderly folks in the community. There have been 4 unattended deaths in the past 30 days.

Commissioner Boothe asked Lt. Bond if there were any more part-time slots available for a dispatcher. Commissioner Shaffer asked Lt. Bond if there was someone that could handle the social media for the department. Lt. Bond answered what PD is slated for are filled and he will discuss the social media with Chief Barkley upon his return. A conversation ensued.

Mayor Jorden and Deputy Mayor Lenox had a lengthy discussion about radio encryption with Lt. Bond.

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

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

Town Mgr. Fleetwood reported: 1.) A couple weeks ago there was a sizable sinkhole reported after hours. The entire PW crew was called back in and Delmar PD assisted with the north and south ends of the road which were shutdown. PW started the excavation of the sinkhole area, there was a concrete culvert that runs east west on that road. When the culvert was unearthed a 12-foot section was installed incorrectly some time ago. All of the rain that the Town of Delmar has experienced contributed to the sinkhole. The culvert has been repaired but, in the process, a new road was cutup. As soon as the town is able to get asphalt the new road will be repaired. PW was there from roughly 5:00 p.m. to 2:30 a.m.

Utility Commission –

Commissioner Shaffer reported as follows: 1.) Reallocation of \$22,500 was approved from Contingency to a line item for the WWTP. This would allow the trees to be moved that are on top of the dirt piles which are from when the construction was done. Commissioner Shaffer gave the

reasons for the tree removal. 2.) Town Mgr. Fleetwood discussed the sinkhole 3.) Town Mgr. Fleetwood provided Commissioner Shaffer with a Town of Delmar “Street Breaking Permit” policy, which is for utility companies that come into town to do work and destroy town roads. Commissioner Shaffer said he asked for the policy because the town has new roads. Commissioner Shaffer explained the policy. 4.) Town Mgr. Fleetwood noted the WWTP average flow in December was 730,000 gallons per day which is 84% capacity. Now that average flow is 600,000 gallons per day which is 70% capacity. The difference is because of the APFO (Adequate Public Facilities Ordinance) plan that is being currently drafted and returned to MDE (Maryland Department of the Environment) in June which will provide them with security that the Town of Delmar does have a plan moving forward.

Parks & Recreation –

Commissioner Boothe reported: 1.) The By-Laws were discussed and changes needed to be made. 2.) The committee voted to request pickleball courts at State St. Park. There are three companies that are bidding to be submitted for the budget process. If Parks and Recreation gets the grant what they requested will be covered under that grant. 3.) Three bids were obtained from three different professional companies that do come to your location and set everything up and take everything down for “Movie Night”. Currently Parks and Recreation has enough money in their budget for May 4th and Star Wars is the official movie. The company is Premier Outdoor Movie Events and the price was a lot better from Commissioner Boothe’s contact persons end. If there is a rain issue the town will make the call if “Movie Night” will still happen. In the new budget year July 12th is another date for “Movie Night”. Commissioner Boothe said rain dates are already setup as well with the town and his contact person. Premier Outdoor Movie Events will charge per “Movie Night” \$798.00. 4.) Moving forward next year the Parks and Recreation Committee are trying to work with St. Stephen’s Church with the tree lighting. He said it is offering help and not to do anything that would diminish what former Council Member Greg Smith his wife Joy Smith have done all those years.

Mayor Jordan said the church that set everything up the first time for “Movie Night” are actually in the process of getting a screen (LCD) so, in his opinion, the church would be okay with the town using that as well.

Fire Department – Report is included in the mail packets.

Mayor Jordan noted the Fire Chief and Deputy Fire Chief are at another FD meeting for neighboring fire departments so they are able to attend. He reviewed their monthly statistics.

Planning & Zoning –

Deputy Mayor Lenox reported: The Commission did meet on January 25th and most of the business in the meeting was on the DE side. He said he noted this evening there were plans handed out by Mr. Marshall and the Commission did review those concept plans. The plans were not in the kind of form the Commission would support that evening. So, they went back and did a lot more work and the Commission will see those plans coming up again with the nine lots. The Commission did not look at this last version in a formal capacity but they are getting closer.

Commissioner Boothe mentioned looking at the newest plan it is a unique way of separating the lots. Deputy Mayor Lenox explained they used the frontage from the existing town roads so, they are not going to be constructing anymore roads or anymore pavement. They already have the utility hook-ups.

Town Managers Report –

Town Mgr. Fleetwood reported: 1.) The budget season is upon us. The first scheduled UT & Joint Council Workshop is scheduled Wednesday, February 28th at 6:00 p.m. The budget calendar for FY'25 was sent out some weeks ago. Department heads have submitted their capital needs to the Chief Finance Officer, they have done some tweaking and there will be more to come. 2.) Commissioner Shaffer mentioned an APFO (Adequate Public Facilities Ordinance). Town Mgr. Fleetwood discussed the two issues with MDE (Maryland Department of the Environment). The first issue is quality from 2018, 2019, and 2020 prior to WWTP Director, Frank Daniels tenure. Since Mr. Daniels has arrived the town has not faced any quality issues with MDE. The second issue is the capacity management flow data from 2023 that reads the Town of Delmar at the 730,000 gallons a day. The APFO will codify what the town's future plans are. MDE has already levied the fine of \$75,000 for the quality issues, they did not react when we countered at \$7,500 but they put the caveat in, they will not entertain any counter unless the town establishes the APFO. 3.) March 12th at 2:00 p.m. in the chamber a 2024 Employee Service Recognition will be held. 4.) Gary Wootten is terminally ill and Kenny White a prior DE Council Member, is as well. Thoughts and prayers go out to those two gentlemen. 5.) Best Remedy, a new healthcare provider, ribbon cutting ceremony will be held February 22nd at 10:00 a.m. 6.) Tomorrow Deputy, Mayor Lenox and himself have a meeting with the owner of the property that is on the west side of Gordy Tiger Mart, Green Meadows. That property goes all the way out on Connelly Mill Rd., and encompasses the WWTP. The gentleman that owns that is from the College Park area and he said he would like to discuss his property. 7.) There is a meeting scheduled for tomorrow with a potential comprehensive plan consultant. 8.) Town Mgr. Fleetwood announced he will be out of the country from February 14th through February 25th.

Commissioner Boothe asked Town Mgr. Fleetwood if the town is down to 1 or 2 hydrants on the MD side that are nonfunctional. Town Mgr. Fleetwood answered MD is down to 3 because there was another hydrant ran over.

Council Comments –

- 1.) Commissioner Boothe commented Mr. Gary Wootten has been a massive asset to the Town of Delmar. Mr. Wootten is a lifetime member of the Delmar Fire Department/Fire Police and he and his wife have done a lot for this community.
- 2.) Commissioner Boothe commented he has dealt with Best Remedy through the fire service and they are great and his kids were even seen there. They are clean, professional, and it is a very good place.

- 3.) Mayor Jorden commented he wanted to get started on the Lead and Copper Rule. Town Mgr. Fleetwood responded he wanted everyone to spread the word that two things are getting ready to happen, communication will be sent out about the Lead and Copper Rule and communication about HydroCorp that was approved to be the contractor for the Cross Connection will be sent out. A discussion occurred.
- 4.) Deputy Mayor Lenox commented he received an unsolicited complement from a local business about PD's officers patrolling at closing time, keeping an eye on things, and the compliment came from a person that had no idea who he was. He said great job.

Public Comments –

- 1.) Jackie Milter asked if Mr. Metha has come to discuss Mr. Horton building townhouses? Town Mgr. Fleetwood answered Mr. Mehta has approached the town. A discussion occurred.

Adjournment –

Mayor Jorden called for a motion to adjourn which was made/seconded (Boothe/Nembhard) and carried by a roll call vote of 5 Ayes.

Submitted by:

Clerk of Council
Vondell Spencer