

**MAYOR & COMMISSIONERS**  
**November 13, 2023**  
**MEETING HELD IN-PERSON AND VIA TELECONFERENCE**

Mayor Jordan 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 Unsell. Town Manager Fleetwood, Chief Barkley, Water Treatment Plant Superintendent Sophia Oberton, and Clerk of Council Vondell Spencer were in attendance. Guests: Kyle Hughes, Dennis Murray, Ronald Nembhard, Micheal Houlihan, Doug Marshall, Jeff Merritt, Andy O’Neal and Zion Oberton and via teleconference Bill Krapf.

Mayor Jordan performed the Pledge of Allegiance.

Mayor Jordan asked everyone in attendance to remain standing to have a moment of silence in honor of all the veterans who have laid their life down and made the ultimate sacrifice for our freedom.

**Mayor’s Comments –**

Mayor Jordan welcomed everyone to the meeting.

Mayor Jordan recognized the Delmar Field Hockey Team that have been successful the last few years with their 8<sup>th</sup> consecutive state championship win. He said the Town of Delmar is proud of them and keep up the good work.

Mayor Jordan acknowledged one of the Town of Delmar former mayors Michael Houlihan and thanked him for attending the meeting. He further acknowledged Wicomico County Council, Jeff Merritt and thanked them for attending the meeting.

Mayor Jordan said he appreciated Mr. Andy O’Neal from the Delmar School District for attending the meeting as well.

**Approval of Minutes –**

A motion was made, seconded, (Shaffer/Boothe) and carried to approve the October 9, 2023 minutes as circulated by a roll call vote of 3 Ayes 2 Abstain (Jordan/Unsell).

**Unfinished Business –**

None.

**New Business –**

1<sup>st</sup> Reading Doug Marshall Rezoning (Tax ID #05120950) –

Deputy Mayor Lenox stated Mr. Marshall met with the Planning and Zoning Commission at their last meeting in October and presented some background about his property at Heron Ponds. A favorable recommendation was made to proceed with rezoning of 29.44 acres from Highway Regional Commercial to R-2. Mr. Marshall gave the Mayor and Commissioners a brief overview.

Deputy Mayor Lenox further stated this rezoning is for discussion only. This is only a 1<sup>st</sup> Reading. The P&Z Commission was comfortable with the idea that the public hearing which has to be done and notice provided would give the Mayor and Commission a good idea of how the residents feel about this. P&Z Commission recommended favorably to pass this following the public hearing.

Commissioner Shaffer clarified this property was zoned to commercial and it doesn't fit the state guidelines, it doesn't make the state happy, and being residential originally there was a potential for 90 more homes. He asked Mr. Marshall if he just wanted to have a maximum of 10 lots. Mr. Marshall answered yes. Commissioner Shaffer said he does not like the idea of 90 lots.

Deputy Mayor Lenox said when Mr. Marshall's neighbors are in attendance, he suspected they are going to raise the question of completing Heron Ponds, pavement. He asked Mr. Marshall if he could give reasonable assurance that it will happen. Mr. Marshall answered he would not be able to walk down the street if he did not finish the project. Deputy Mayor Lenox further asked Mr. Marshall if the theory is from the revenue generated by the sale of the lots. Mr. Marshall further answered absolutely.

Commissioner Unsell said 29.44 acres is about an average of about 3 acres a lot. Mr. Marshall responded plus or minus. Deputy Mayor Lenox asked Town Mgr. Fleetwood if there were any concerns about water and sewer availability so Mr. Marshall can market the lots with some assurance. Town Mgr. Fleetwood answered Mr. Marshall was allocated some EDUs for that property to begin with and that general vicinity, it tends to change. Mr. Marshall responded it would be nice to have some type of assurance.

Deputy Mayor Lenox called for a motion to adopt the 1<sup>st</sup> Reading for the proposed rezoning adjacent to Heron Ponds as submitted by Doug Marshall. A motion was made/seconded (Boothe/Unsell) and carried by a roll call vote of 5 Ayes.

Reallocation of Funds for HVAC Units at Public Works –

Mayor Jorden stated there is a request for reallocation of funds from the Contingency to Capital Outlay for HVAC Units at Public Works.

Mayor Jorden asked for a motion to reallocate \$5,800 from the Contingency to Capital Outlay for HVAC Units at Public Works. A motion was made/seconded (Shaffer/Unsell) and carried by a roll call vote of 5 Ayes.

**Committee Reports:**

## **Police Chief's Report –**

Mayor Jordan stated he is very proud of Officer Blaine Erdie because he seen him hanging out with some kids yesterday and showing them cool police toys. It reminds you of what Delmar is all about. Chief Barkley agreed.

Chief Barkley stated that PD would like to recognize and salute all of our veterans and active-duty military personnel for their service and sacrifice to a grateful nation.

Chief Barkley reported as follows: 1.) PD should have the final two officers on board the beginning of December. Their last testing which is psychological testing will occur the first week of December and depending on the outcome PD will be making them a final offer of employment and have them ready for the academy. 2.) It will be a wonderful addition for the part-time PCOs to cover some of the weekend hours. The two young ladies both are on board and are in training. Ms. Chamberlain has been there a little more. Ms. Niblett is going to be a little easier to train because she has previous experience. It is PDs hope that they are ready to go on their own the early part of January. 3.) The pole building is waiting for Delmarva Power connection. 4.) The fencing contractor is about 2-3 weeks out with the materials and that part will be done. 5.) The new vehicles that were ordered in the FY'24 budget are at the dealership and are being painted black and white. They will be ready for delivery shortly. 6.) PD had extra officers on during the Halloween event to make everybody safe. Everything went off without a hitch. 7.) There was a fire at Gordy Park which turned out to be a group of 5-6 kids. Fire Department Liaison, Shawn Johnson was able to get the fire under control before it caused significant damage. There was also a fire set at State St. Park by a fellow that is pretty much homeless and the officers had dealt with him several times. He was apprehended for another reason but when PD looked at the videotape, he was seen lighting the fire. 8.) The incident over the weekend was a single person event. There is no suspect in the public and there is no threat to the community. 9.) If anyone has been on Rt.54 and Stage Rd. there are new speed signs and PD is monitoring and will begin physical monitoring as soon as they can resolve some border issues. It is not all Delmar property and PD cannot enforce outside of the Towns jurisdiction without being asked to. 10.) During the FY'24 budget session PD mentions their desire to obtain Lexipol Solutions. Chief Barkley explained the importance of Lexipol as a policy management program. PD applied to the Governor's Office on Crime Control and Prevention for a grant of \$54,607. The grant will get the PD started with Lexipol because the initial is quite expensive. All agreements have been signed and moving forward with the second part of it which PD will discuss in the next couple of months. There will also be an annual fee to maintain Lexipol.

Mayor Jordan stated speaking with other towns elected officials there seems to be a big problem with the way our PD is able to handle juveniles. Other towns are talking about coming up with a plan to untie PDs hands from some of the state legislation. He asked Chief Barkley if he has spoken to any other town about their plans. Chief Barkley answered he has knowledge that he will probably be in front of the state legislatives at some time to discuss change and revisions in the legislation that was already passed. He said that is a huge problem that PD is dealing with. He further answered he is aware that the neighboring communities are considering curfews and such. He said he would caution anyone thinking about that because there is a lot to it because you can go through a lot of legal challenges. A discussion occurred.

Commissioner Boothe said with the new vehicles coming in the current installer has had the fire department's command vehicles for about five months. The fire department voted Monday night that they should take their vehicles across the bay because they cannot wait that long. He asked Chief Barkley if he is getting reassurance from the installer that it will be expedited or is it possible that something different can be done. Chief Barkley answered PD looks at everything and they need the fastest turnaround possible. The current installer gets bogged down because he is doing so many with limited personnel. He said when he worked with vendors across the bay it was just as difficult getting a turnaround if not more and those are the considerations to keep in mind. A conversation ensued.

Commissioner Boothe further said back to the incident that took place Saturday night. Looking at things now there is a certain Facebook Page, in his opinion, the incident was blown up by the way it is worded. In some of the posts there was some talk about doing something encrypted in Wicomico County. He asked Chief Barkley if that would affect Delmar as well. Chief Barkley answered yes. A conversation ensued.

Commissioner Shaffer commended the PD. He said Halloween night this year the comments that he heard really made him smile because no one has seen that much police presence in 13 years and he was proud of that. He asked Chief Barkley if PD needed anything from the Mayor and Commissioners for letters of support as far as getting the invite for him to be able to sit on Line Rd. Chief Barkley answered it isn't so much as an invite. It's understanding the jurisdiction and whose responsibilities go where. That area has been a grey area for so long that some do not know where their jurisdiction stops and starts. Delmar PD needs the lines cleared for when they are writing citations. A conversation occurred.

### **Parks & Recreation** –

Commissioner Boothe reported: 1.) There was a little library box at Gordy Park which was damaged, so that was replaced. Also, there is a library box at State St. Park. 2.) There was a discussion about having a New Year's Eve celebration which is now being planned for next year. 3.) Parks and Recreation is waiting to hear back from St. Stephen's about needing any help with the Love Tree. 4.) There will be no December meeting because of the Christmas Holiday. 5.) Parks and Recreation is trying to get a partnership with Delmar Little League. Committee Member Brian Green will discuss with them about getting cover at the National League Field because there is no more shade because trees were removed. 6.) Planning another Movie Night in May 2024 featuring the movie Star Wars.

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

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

### **Utility Commission** –

Commissioner Shaffer reported as follows: 1.) Water Treatment Plant Superintendent, Sophia Oberton and DBF Engineer, Nicholas Bradley gave an extensive report on the EPA (Environmental

Protection Agency) Lead and Cooper Rule and plans she has for it. 2.) A manhole at State St. and Eighth St. will be repaired and it will cost about \$4,900 of which \$3,000 will be traffic control. 3.) The Utility Commission had a favorable recommendation to move \$5,800 from Contingency to Capital Outlay for HVAC Units at Public Works was approved.

**Fire Department** – Report is included in the mail packets.

**Planning & Zoning** –

Deputy Mayor Lenox reported:

1. **Margo McCarthy - Child Care Center - Altitude Trampoline Park, 30174 Foskey Ln., Delmar, MD** – Ms. McCarthy presented a child care center per the attached drawings. She said it is a homeschool facilitation service. Homeschooling families assign their students their curriculum and send the students to her program for the curriculum to be facilitated by a teacher that can help the students when they get stuck. The teachers provide them with social time and help healthy active outlets. She further said currently she runs a program out of Galaxy Gymnastics in the Twilley Center and they are full so, she is looking to expand. Part of business model is to use existing indoor athletic facilities so the students can have active recess regardless of the weather.

Ms. McCarthy stated the hours of operation will be Monday through Thursday, 8:30 a.m. to 12:30 p.m. and its only school aged children. She said she still has to get a childcare center license because parents drip their kids off with her, but it's not a traditional childcare center.

Deputy Mayor Lenox called for motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Margo McCarthy – Child Care Center – Altitude Trampoline Park, 30174 Foskey Ln., Delmar, MD., per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by a roll call vote of 5 Ayes.

2. **Jennifer Newton/Bill Krapf – New Construction/Townhouse (Ponds Edge) – 8763-8753, 8775-8765, 8787-8777, 8799-8789 Nicholas Circle, Delmar, MD** – Mr. Krapf presented new construction/townhomes per the attached drawings. Deputy Mayor Lenox stated there are no site changes to the plan that was approved previously. He said it is not a bad idea to get a second look in terms of how public safety is dealing with a fairly concentrated development out there.

Commissioner Shaffer asked Mr. Krapf if he has had any communication with the fire department as far as submitting plans. Mr. Krapf answered just the state fire marshal. He said he is unaware if they have submitted to the fire marshal. They will certainly do that if they get a positive recommendation. They have still yet to get their building permits.

Deputy Mayor Lenox stated the county fire marshal gets to see the interior of the building and the Planning and Zoning Commission would like for them to look at the exterior access issues. Mr. Krapf responded that can be made a part of the permitting process.

Commissioner Boothe asked Mr. Krapf if the inside layout of the townhouses similar to what is currently there now. Mr. Krapf answered no, they made major changes to them. He further asked if it would be possible for the fire department to do a walk through to get an idea of where things are located. Mr. Krapf further answered certainly.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Jennifer Newton/Bill Krapf – New Construction/Townhouse Buildings (Ponds Edge), containing six units each, per the attached drawings with the condition that final review of the site plan be by the Delmar Fire Department. A motion was made/seconded (Unsell/Shaffer) and carried by a roll call vote of 5 Ayes.

Mr. Krapf said they just went through their first certificate of occupancy for the new apartment layouts. In Phase 2 some things came up at the end and they scrambled around. He said he just wanted to thank everybody in the city, code officials, and utility people. He further said he thought they did a great job working with them through those problems as opposed to putting their hands up and saying there was nothing they could do. He thanked everyone. Deputy Mayor Lenox thanked Mr. Krapf as well.

**Kyle Hughes/Kylan Barn – Storage Building – 30603 Dusty Lane, Delmar, MD** – Mr. Hughes presented a storage building per the attached drawings. Mr. Hughes stated Kylan Barn had no storage and the goal is to build one at the base of the amphitheater which will also transition to other things as they grow. The tiny house that he wants to put on there is just basically an amenity to the property so if anyone rents it for the weekend they can stay there and where it is going there is already water and electric there so he just has to be the sewer end of it. Kylan Barn has 4 EDUs and he barely uses half of one.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Kyle Hughes/Kylan Barn - Storage Building and tiny home on the condition that building elevations be submitted for the storage building and the occupancy limitation relative to the tiny home be included as on the adjacent property previously– 30603 Dusty Lane, Delmar, MD. A motion was made/seconded (Boothe/Shaffer) and carried by a roll call vote of 5 Ayes.

Mayor Jorden and the Commissioners recognized Water Treatment Plant Superintendent, Sophia Oberton for the DE Rural Water Operator of the Year distinguished award for WWOA and the award for AWWA. Mayor Jorden expressed the Elected Body was upset that they did not get invited to the awards ceremony which was not her fault. Town Mgr. Fleetwood acknowledged Ms. Oberton's son Zion Oberton and the sacrifices that her son has had to make for her to put time and energy into his mother's accomplishments. The Mayor, Commissioners and Town Mgr.

Fleetwood expressed their gratitude and thanks for the work she has done at the Water Treatment Plant. Town Mgr. Fleetwood said the WWOA Award encompasses MD, DE, and the Nation's Capital. A conversation ensued.

Mayor Jordan stated this was Commissioner Unsell's last meeting. Deputy Mayor Lenox, Commissioners Boothe, and Mayor Jordan gave a brief history of their work relationship, expressed appreciation, and thanks for leadership, and persuasiveness to Commissioner Unsell for the work he has done for the Town of Delmar for the last 12 years.

### **Town Manager's Report –**

Town Manager Fleetwood reported: 1.) On State St. and Eighth St. Hillis-Carnes Engineering are out there for the sewer manhole with the dip in the road. Boring samples were done to hopefully determine if the ground is compacted. The results will be available in a week to 10 days. Town Mgr. Fleetwood said he will come back to the Utility Commission. The road would be sawcut, the road where the depression is, fix the under subsurface and then repave. The Town of Delmar reached out to the Delmar Fire Police, Chief sent a police officer, and then a crew was sent from Public Works. The certified traffic control was the fire police so the \$3,000 was not spent for the work. 2.) The materials are in for the sinkhole on Lighthouse square. The vendor is supposed to arrive tomorrow to fix the sinkhole hopefully the same day. 3.) Phase I sewer main project is back underway on Chestnut St. The new watermain on the 100 and 200 blocks of Chestnut St., the laterals have been run to the homes. Soon Teal Construction will move on to the intersection of Pennsylvania Ave. and Chestnut St. This intersection will be closed for a week and then they will move down Pine St. 4.) Concrete work should begin on Chestnut St. in the next week or so. 5.) Whayland in Laurel, DE has been awarded the contract to repair the administration building due to a caustic spill some years ago. The repair is underway. 5.) The December meeting will be a Joint Council meeting Monday, December 11<sup>th</sup>. The meeting will start with MD delegation then adjourn, DE meeting, adjourn and then assemble in a Joint Session. The Joint Session is mainly about the employee personnel manual. Administrative Assistant, Starr Conaway has sent the Elected Body the information. 6.) The employee luncheon is tomorrow at 12:00 p.m. at the Delmar Fire Department.

Town Mgr. Fleetwood announced St. Stephen's put together a blood drive on behalf of former Council Member Greg Smith.

Town Mgr. Fleetwood shared he appreciated everything that Commissioner Unsell has shared with him a year and a half ago. Town Mgr. Fleetwood wished Commissioner Unsell the very best.

### **Council Comments –**

Commissioner Boothe commented it is always nice to see the County Representatives and thanked Wicomico County Council Member, Jeff Merritt, and former Town of Delmar Mayor, Michael Houlihan in attendance.

Commissioner Boothe wished everyone a Happy Thanksgiving.

Commissioner Boothe said he got an email from the Town which would be good for Woodcreek

residents. There were residents complaining about the locomotives on Foskey Ln. running. He explained when the temperature drops, the locomotives must stay running. Anything at 45 degrees or below they have to stay running and there is nothing that he could do about it.

Commissioner Shaffer mentioned he was at the DE meeting following the Utility Commission meeting. He said he wanted to pat them on the back as their counterparts from the State of DE. Dr. O'Neal was here from the school and all the superintendents have gotten together in Sussex County trying to levy Sussex County to be able to have an impact fee that benefits the school. The northern counties in DE already have it. Sussex County has missed out on a good amount of money. Our Delmar, DE Council is going to be or already sent a letter to Sussex County Council stating their support. So, it's good to see everybody come together and he is very thankful.

Deputy Mayor Lenox reminded everyone the Town of Delmar does have an election next week.

Commissioner Unsell commented he and his wife actually bought their house in 2003 so they have been here 20 years. He said serving this town has been a pleasure and a rewarding experience. When he thinks back about accomplishments over the last 12 years, he had the pleasure of serving on the Search Committee when Chief Saylor retired with Michael Houlihan and Karen Wells. One of his proudest accomplishments was hand picking Chief Ivan Barkley. Chief Barkley impressed him as somebody the Town of Delmar could depend on if the Chief had to go before the press and cameras, he was the guy they wanted there because he thinks through every statement before he makes it and that's the kind of guy you want to make the decisions.

### **Public Comments** –

1. Michael Houlihan thanked Commissioner Unsell for his service to this Town. He said Commissioner Unsell's heart was always with the residents, he listened, and he was the torch bearer. As a colleague to him and his four colleagues from the DE Council, thank you as well. He mentioned former Vice Mayor Pase could not be in attendance but she would echo his thoughts this evening for Commissioner Unsell.
2. Michael Houlihan commented the student advisory was Commissioner Unsell's idea and he did not see it on the MD or DE agenda. He said he hoped that hasn't gone to the waste side. Town Mgr. Fleetwood said they are waiting on the school. With that idea and all the inspiring seniors high school students that came through right where he is standing and told him it was great to put that on their college application. He further commented they have had some good and bad times ups and downs but Commissioner Unsell sat in the seat behind the dais. He further said Commissioner Unsell will be missed by this Town but he can walk out with his head held high but he is proud to be a former colleague and Commissioner Unsell will always be his friend.
3. Town Attorney Benson commented he received an email this evening that Dr. Powell, the Mayor and Commissioners gave recognition, passed away last night. He said the Mayor and Commissioners were kind enough to understand. He thanked the Mayor and Commissioners for giving Dr. Powell recognition because it came at a good time.

4. Water Treatment Plant Superintendent, Sophia Oberton thanked everyone for her flowers and said it is always nice to receive flowers while you are able to receive them. She said she will always give 110% of herself and position whatever that maybe. She said she will continue to do what she does and invited everyone to come see the Water Treatment Plant because there have been some amazing changes there. Commissioner Boothe responded we are very blessed to have you here.

**Adjournment** –

Mayor Jorden called for a motion moved and seconded (Unsell/Lenox) and carried to adjourn with a roll call vote of 5 Ayes.

Submitted by:

Clerk of Council  
Vondell Spencer