

**MAYOR & COMMISSIONERS**  
**November 14, 2022**  
**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, Boothe, Shaffer and Unsell. Town Manager Fleetwood, Police Chief Barkley, Shawn Johnson, Clerk of Council Spencer, Robert Benson Town Attorney and Town Engineer Joshua Taylor were in attendance. Guest: Maria Hobbs, Penny Glasgow, Linda Morris, Tom Bauer, Paula Fisher, Doug Marshall; via teleconference: Chris Brown.

Mayor Jorden performed the Pledge of Allegiance followed by a roll call to confirm there was a quorum. A quorum was established.

**Mayor's Comments-**

Mayor Jorden welcomed all attendees and hoped all were doing well.

He commented the Town had a successful Halloween. The Town set-up a table at one of the local trunk-or-treats and had about 1400 people come through.

Mayor Jorden welcomed the newly elected DE officials, Mayor Thomas Bauer and Council Members Linda Morris and Michael McClure.

He mentioned a trophy that he brought in from the Delmar Police Golf Tournament this past Saturday. He said the trophy was won in a raffle and they are going to get the trophy engraved. He further mentioned they had a good time and explained the funds from the tournament goes into the PD's Crime Prevention Fund.

Mayor Jorden said the playground equipment has arrived for State Street Park. Also, they met last week for the placement of the Cpl. Keith Heacock Monument and hopefully it will arrive soon and also the bench from the metal shop. He reminded everyone in attendance that the Town will have the rededication of the State Street Park and the targeted date will be sometime in December.

**Approval of Minutes**

A motion was made, seconded, (Unsell/Shaffer) and carried to approve the October 10, 2022 minutes as circulated by roll call vote of 5 Ayes.

**Unfinished Business-**

None.

### **New Business –**

The 2<sup>nd</sup> reading of the newly revised Ethics Ordinance #751 was read and explained by Town Attorney Robert Benson.

Mayor Jordan asked for a motion to go into a public hearing to adopt the newly revised Ethics Ordinance #751. A motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

Mayor Jordan asked for a motion to close the public hearing to adopt the newly revised Ethics Ordinance #751. A motion was made/seconded (Lenox/Unsell) and carried by roll call vote of 5 Ayes.

Mayor Jordan asked for a motion to adopt the newly revised Ethics Ordinance #751. A motion was made/seconded (Unsell/Boothe) and carried by roll call vote of 5 Ayes.

Town Mgr. Fleetwood announced that the Acting Director of Public Works, Robert Buck has been promoted to Director of Public Works. He said Mr. Buck is looking forward to making the town better in appearance but also building relationships with MD and DE elected officials and all of the town's residents.

He thanked the Mayor and Commissioners. Mayor Jordan said to Mr. Buck they are excited for him and he is aware Mr. Buck has Delmar at heart and thanked him for everything he and PW do.

Mayor Jordan announced the nominations for the Parks and Recreations Committee: Beth Dayton, Keith Abbott and Faith Higbee. He explained the process of the nominations and swearing in of the applicants. Deputy Mayor Lenox asked how many members are on this Committee and are we still looking for volunteers? Mayor Jordan answered we are always looking for volunteers and Commissioner Boothe explained the number of members on the Committee and the need to have a mix between DE and MD. A conversation ensued. Mayor Jordan added there are other Boards that the need members.

Mayor Jordan asked for a motion to nominate the three candidates; Beth Dayton, Keith Abbott and Faith Higbee to the Parks and Recreation Committee. A motion was made/seconded (Shaffer/Unsell) and carried by roll call vote of 5 Ayes.

Doug Marshall said he is pursuing EDUs for Oaked 54. Originally, they thought that 6 EDUs were needed but they need 8 EDU's and for that reason he is present to get approval for 8 EDUs under the same terms the Utility Commission approved in the April 4, 2022 meeting.

Commissioner Shaffer said he thought Commissioner Unsell and former Vice Mayor Pase of the UT Commission did a great job trying to bring a good business to Delmar and he would like to see this get moving. He further said he would like to see the same terms as well.

Town Mgr. Fleetwood asked will the charge still be half face value for all 8 EDUs? He said the recommendation from the Mayor and Commissioners was for 6 EDUs at a 50% cost, impact fees would be paid by the end of fiscal year 2023 and equal monthly with quarterly installments, this goes all the way back to July 1<sup>st</sup>.

He further said if they go with the 15 months would that be starting in November 2022 or are they going to make this effective to run through the period that was stated the fiscal year 2023? Secondly are all 8 EDUs all half price?

Mr. Marshall answered it was 18 months from the issuance of the building permit at 50%. So, they are hoping to get a permit. Mayor Jorden asked Commissioner Unsell from the Utility Commission stand point would it be adequate adding 2 more EDUs at that same cost? Commissioner Unsell answered yes, he thought so.

Deputy Mayor Lenox asked Mr. Marshall are there any approvals from other jurisdictions that they are still waiting for or is this entirely on Delmar? Mr. Marshall further answered they got two building permit sets finished yesterday. They distributed a preliminary so everybody can make their comments. Mr. Marshall said everyone in Wicomico County has known about this project.

Mr. Marshall added the health department will have to sign-off on the equipment list which all of the equipment will be new. So, to answer Deputy Mayor Lenox's question yes, they still have the other agencies. A conversation ensued.

Commissioner Boothe said Oaked 54 is something that he has been very passionate about. This is something that Delmar needs.

Mayor Jorden asked Town Mgr. Fleetwood if he has awarded the allocations? Town Mgr. Fleetwood answered no, in his opinion what they wanted to say is that they are allocating 8 EDUs, cost will be at 50% and Mr. Marshall and Mr. Welsh have 18 months from the day of issuance of the permit to pay for those 8 EDUs in full with the understanding that within 24 months the flows will be reevaluated.

Town Engineer, Josh Taylor added we reviewed the data that came from Oaked in Snow Hill, MD and he thought the EDUs were accurate. He asked Mr. Marshall for the record what was the reason behind the 50% reduction, he assumed it was because it was an economic development opportunity, it's a commercial use restaurant in a commercial area so it fits how and where Delmar wants to grow.

Commissioner Shaffer answered economic development. This will help to bring jobs back to Delmar. It's a little farther out than normal for a normal hook-up as to an already existing

building that has water and sewer to it. To make a payment plan moving forward it was the right thing to do. He further answered we have discussed last month that we don't want to keep doing case by case basis, project per project. We would like to try to write a policy for EDUs moving forward so they are not sitting debating constantly.

Town Mgr. Fleetwood added Wednesday at the latest we should have an EDU and water allocation ready for Mr. Marshall. He further added an explanation of both.

Mayor Jorden asked for a motion for the Mayor and Commissioners to approve 8 EDUs for Oaked 54 at a 50% reduced rate to be paid from 18 months after issuance of a building permit and be reevaluated at 12 and 24 months thereafter to see if anymore allocation is needed. A motion was made/seconded (Unsell/Boothe) and carried by roll call vote of 5 Ayes.

### **Student Advisory –**

Lillian Frazier reported: 1.) Cheerleading learning auditions are Tuesday, November 15<sup>th</sup>. The audition is Wednesday, November 16<sup>th</sup>. 2.) Football playoffs are November 18<sup>th</sup> through November 29<sup>th</sup>, quarter finals are November 25<sup>th</sup> through November 26<sup>th</sup>, semifinals are December 2<sup>nd</sup> through December 3<sup>rd</sup> and the finals are December 9<sup>th</sup> through December 10<sup>th</sup> at the University of Delaware. 3.) Field hockey is 15-0. There D2 quarter finals were yesterday, semifinals are tomorrow the 16<sup>th</sup>, the championship game is the 19<sup>th</sup>. 4.) Soccer D1 and D2 semifinals are tomorrow and the 16<sup>th</sup> and the championship game is the 19<sup>th</sup> for both D1 and D2. 5.) Volleyball is 8-7 and today was their finals, the scores are unavailable right now. 6.) There has been a rise of cases of RSV, Strep, Hand, Foot and Mouth and COVID but Ms. Frazier said they will get through it. 7.) Report cards come out the 17<sup>th</sup>. Commissioner Shaffer said to Ms. Frazier she had a very detailed report.

### **Committee Reports:**

#### Police Chief's Report

Chief Barkley reported as follows: 1.) Ponds Edge had thefts from their construction site (construction materials). PD located and apprehended the suspect. 2.) There have been quit a few calls from individuals dealing with mental health issues. PD is trying to find them the right services to try to get them where they need to be. There are not a lot of services out there readily available. 3.) Youths are finding issues with each other and fighting in the Town's streets. 4.) There was a domestic barricade with shots fired the morning of Halloween; with the assistance of some of their partners and city employees no one got seriously hurt, injured or worse. 5.) The new crossing guard Mr. Edward "Ted" Burns, seems to be doing an excellent job. PD thanks him. 6.) Last week PD gave offers of employment to two additional police officers, John Paul McGrath and Blaine Erdie. They will actually start work on Wednesday in preparation for the January police academy. 7.) The two recruits in the academy are doing well. They did practicals last week and PD anticipates a graduation mid-December for them. Now PD can start on field training. PD is

moving forward and they are in a much better place. 8.) PD did their first round of interviews for the PCO position. PD had two additional people to interview but with time they now have four additional people to interview for the PCO position. 9.) There are at least 10 pending applications for the one vacancy left after the last two are in the police academy. 10.) Any new employees that PD hires will get to meet with the Delmar MD and DE Mayors within 30 days. 11.) Chief Barkley thanked all MD/DE elected officials that attended the golf tournament as well as former Mayor Houlihan. Chief Barkley mentioned it was a fantastic time. PD looks forward to doing it again next year.

Commissioner Unsell commented he has been to a lot of golf tournaments and Delmar PD's is one of his favorites. It was a great time. Commissioner Boothe agreed.

Commissioner Boothe asked Chief Barkley if any of the applicants for the PCO position have any previous experience? Chief Barkley answered yes, one of the final two applicants is one of the individuals that worked in the Seaford, DE dispatch center.

Mayor Jordan asked Chief Barkley about upcoming SRO training for any future officers that may want that opportunity? Chief Barkley answered PD will make it available to anyone who decides that is what they want to do. A conversation ensued.

Chief Barkley mentioned on Tuesday, November 22<sup>nd</sup>, Grow In Grace Worship Center located on Bi-State Blvd. will be at PD's old location, 400 S. Pennsylvania Ave., and in conjunction with Mountaire Farms they will be giving away boxes filled with fixings for a complete Thanksgiving meal and some household items. It is first come first serve, 1 box per family from 10:00 a.m. until gone.

Fire Department – The report is included in the mail packets.

Mr. Johnson commented in his opinion, he thought the attendance was down for the annual Gun Bash Event. The event did go very well. Mayor Jordan asked Mr. Johnson the final amount earned that was calculated for this event. Mr. Johnson answered it is usually a month or two before the final tallies are made.

Commissioner Boothe asked if there was a subcommittee for the ladder truck? Mr. Johnson answered it's ordered. Commissioner Shaffer said he enjoyed the gun bash and he thought it went well.

Mr. Johnson asked Town Mgr. Fleetwood the nonfunctional hydrant count? Town Mgr. Fleetwood answered we are down to two. There has not been any change for over a month. PW Director, Robert Buck added T.K. Construction will be relocating some hydrants and putting them in places where they were taken out due to previous accidents. One which is Gordy Mill Road, Maryland Ave., and West Walnut Street. There should be another hydrant to place in the spot where one was bad.

He further added the Town will only have to purchase one hydrant. Mr. Johnson asked Mr. Buck if the Fire Marshal gave him the blessing to remove the hydrant on the DE side? Mr.

Buck answered yes. A conversation ensued.

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

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

PW Director, Mr. Robert Buck said there was a bid that went out for patch paving on both the MD and DE side. They finished everything on the list today. If there are any new holes that are dug, it will be a while before a list is compiled before putting out a bid and making them come back again.

He further said prior to this he had a contractor come to Town and do all the concrete repairs whether it was the gutter and curbing or the sidewalk section that was taken out due to repairs or they were just damaged. A conversation ensued.

Town Mgr. Fleetwood added the RFP for the street paving both on the MD and DE side went out. The closing date is early December. On or about the week of January 1<sup>st</sup>, weather permitting, he assumed Teal Construction will begin work on the Phase I sewer main replacement project. So, those streets that the sewer main project is taking place on are not part of the paving RFP but the end result will be the new piping and a repaved road (s).

### Utility Commission

Commissioner Unsell Reported as follows: 1.) The UT Commission approved a request for reallocation of funds from the contingency fund to the capital outlay. The main control valve for the water tower by the WTP needs to be replaced. T.K. Construction gave a quote of \$10,962.00 to replace the valve and make it operable. 2.) Town Mgr. Fleetwood, former Mayor Houlihan and Mayor Bauer had a sewer meeting with Sussex County Council President, Michael Vincent and Sussex County Administrator, Todd Lawson.

Town Mgr. Fleetwood added it was a very preliminary meeting with Sussex County. He said they are scheduled to meet with them again very soon. He further added we are bringing forward ideas on sewer repairs, anything that they can help us with. Also, the next meeting they will be bringing the county's economic and investment person to assist as well. 3.) The WTP was power-washed and painted inside and outside. It was also painted and cleaned on the inside, everybody can go over and give it a look. 4.) The SCADA system has been installed at the WTP which is a computer system that controls all operations which was approved in last year's budget. 5.) An alternative to slip lining is called relining. Commissioner Unsell, Commissioner Shaffer, Town Mgr. Fleetwood and Mr. Buck explained the process and the cost.

### Planning & Zoning

Deputy Mayor Lenox reported:

1. **Kerri Ellinger – New Deck – Lot 267 A, 9490 Song Sparrow Circle, Delmar, MD**  
– Ms. Ellinger presented a new deck per the attached drawings. Deputy Mayor Lenox noted the HOA approval/signoff was included with Ms. Ellinger’s complete application packet.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission’s favorable recommendation to approve – Kerri Ellinger – New Deck – Lot 267 A, 9490 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

2. **Paula Fisher – New Deck – Lot 272 A, 9569 Song Sparrow Circle, Delmar, MD** – Ms. Fisher presented a new deck per the attached drawings. Deputy Mayor Lenox noted the HOA approval/signoff was included with Ms. Fisher’s complete application packet.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission’s favorable recommendation to approve – Paula Fisher – New Deck – Lot 272 A, 9569 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Unsell) and carried by roll call vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 375, 9161 Clubhouse Drive, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission’s favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 375, 9161 Clubhouse Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Boothe/Shaffer) and carried by roll call vote of 5 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 380, 9318 Mulligan Way, Delmar, MD** – Ms. Brown presented for a new home build per the attached drawings.

Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission’s favorable recommendation to approve – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 380, 9318 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Shaffer/Boothe) and carried by roll call vote of 5 Ayes.

## **Town Manager’s Report**

Town Manager Fleetwood reported: 1.) Wednesday morning at 8:00 a.m. we will be in attendance at a Parks and Receptions meeting with Steve Miller regarding the Mason Dixon



Complex. 2.) A reminder to the Elected Officials and Robert Benson, Esq., a holiday luncheon on November 22<sup>nd</sup> from 12:00 a.m. to 1:30 p.m. at Camelot Hall is scheduled.

### **Council Comments**

Commissioner Unsell had no comment.

Deputy Mayor Lenox commented we have a Town Comprehensive Plan that was adopted in 2009. The Delmar, DE plan is significantly newer and he understands it predates him but they were pretty comfortable with that. He said he will be having discussions with the Commission about entertaining some sort of update of the Delmar, MD plan. There will be some costs involved. Town Engineer, Josh Taylor, of Davis, Bowen and Friedel did the most recent plan and has experience on the DE side as well. So, we will be looking at pulling together some costs and perhaps the next budget we start thinking about these things. He further said they can scope out what they need to do and how much depth and costs, perhaps the next budget.

Commissioner Shaffer asked Town Mgr. Fleetwood where they are with Pine Street in reference to paving? Town Mgr. Fleetwood answered Pine Street is part of the Phase I sewer main project. He further asked if there is a notice that will be distributed to residents? Town Mgr. Fleetwood further answered yes.

Commissioner Boothe commented hats off to PW for being a big part of the progress with the fire hydrants in a short period of time.

Commissioner Boothe asked if Town Mgr. Fleetwood thought the bids for the paving would be coming in the middle of December and more than likely this will be a spring project? Town Mgr. Fleetwood answered that whoever the successful bidder is that they would want to mobilize once and bring all their equipment to Town, park them and go to work.

### **Public Comments: -**

- 1.) Doug Marshall commented the Heacock Fest is being planned for April 28<sup>th</sup> through April 30<sup>th</sup>. He wanted to give the Mayor and Commissioners preliminary ideas of what they were looking at. He gave them a color-coded map of zones. He said they have a big national concert coming April 30<sup>th</sup> which, in his opinion, there will be a lot of people in attendance. They are hoping Oaked 54 is open as well.

He further said between April 28<sup>th</sup> and April 30<sup>th</sup> they are looking to have events going at Oaked 54, events going on in the back field where the RVs are going. There is no list of vendors yet. It is an all-charity concert and the money will go to their Blue Line Foundation and then they will ground that money out to the Heacock Scholarship. Tunnels to Towers is teaming up with them to put that on.



Mr. Marshall reiterated April 28<sup>th</sup> outside shows at Oaked 54 throughout the day/evening, April 29<sup>th</sup> big wedding at Kylan Barn but that same night a field party in the back section to allow people to be able to camp over a couple of days. He mentioned they have talked to CES about pumping off the sewer that they produce for that event as well.

Doug Marshall further mentioned talking points would be golf carts on the street but they will get to that eventually, fireworks again because they are looking for PD to sponsor the event as well.

Mayor Jorden asked Mr. Marshall how many people he thought would be in attendance? Mr. Marshall answered he thought Friday and Saturday 1,000 to 1,500 people but Sunday he can see having 4,000 to 5,000 people. He further asked Mr. Marshall was he taking any precautions about hiring any off-duty police officers? Mr. Marshall further answered yes, they are starting to lay the ground work for that.

Mayor Jorden inquired if Mr. Marshall had any idea about traffic control. Mr. Marshall responded yes, it's a lot of moving parts and nobody says they are going to be involved until the last minute.

Deputy Mayor Lenox asked Mr. Marshall if he is still planning a second venue? Mr. Marshall answered they took over Southern Belle Barn in Delmar, MD. Mr. Marshall passed out two renderings, a new rendering that showed the current second wedding venue that is approved. The second rendering he said they may put up a half circle of tiny rooms/tiny homes back in the woods and rent the properties for tent type weddings or talking to the Nanticoke Watershed Alliance to do a pad, ecofriendly type venue.

Mayor Jorden asked Mr. Marshall if he has met with the Fire Dept. as well? Mr. Marshall answered not yet. Mayor Jorden responded he just wanted to make sure they had a plan, back-up coverage for the Town if there is going to be a demand there as well. Chief Barkley added he thought there has to be a few planning meetings that need to take place before they get that far and bring all the interested parties to the table so everybody is aware of what they are doing.

Mayor Jorden added they have to figure out what the RV capacity would be. Mr. Marshall replied they are figuring 100 RVs and about 40 gallons each of Black Water. Mr. Taylor asked Mr. Marshall if they were going to put that into the system, store it in the system and pump it off at the end? Mr. Marshall answered yes. Mr. Taylor responded Mr. Marshall needs to speak with WWTP Superintendent, Frank Daniels, about capacity and how much storage he has because we don't want to incur unnecessary cost. A conversation ensued.

Mayor Jorden asked what would be the start date for the RVs staying there. Mr. Marshall answered April 28<sup>th</sup> through April 30<sup>th</sup> with no loud music after 10:00 p.m. He further asked what about generators? Mr. Marshall further answered this is going to be a charity event, there is going to be some grey areas. He commented generators are a problem when at Tall Pines, etc. This is a party atmosphere so they are going to be somewhat lenient on that. A conversation ensued.

Mayor Jorden suggested to Mr. Marshall to try to talk to the HOA and bring a letter from them as well. Mr. Marshall answered it will never happen. Town Mgr. Fleetwood replied he thought that still needed to happen, the conversation needs to happen. Mr. Marshall responded he will talk to them. Mayor Jorden explained to Mr. Marshall why he needs to speak to the HOA.

- 2.) Maria Hobbs commented she wanted to follow-up from last month about the cameras, lights, and the grant that she found for them to apply for and possibly having a Christmas decorating light contest. She suggested the contest be put on Facebook and maybe it could be commercial or a residential thing. Mayor Jorden responded yes, absolutely. A conversation ensued.

Ms. Hobbs asked about the progress of the follow-up information. Commissioner Boothe promised Ms. Hobbs that the park will be at the top of the list. He recognized Commissioner Shaffer for being a big part of finding the grants and having the grant writer along with Town Mgr. Fleetwood as well.

Commissioner Shaffer said we got an electrical estimate for setting poles. We are looking at about four to five cameras, the electrical estimate is at \$14,000.00. Just for the cameras alone. He further said the relay system we are looking at \$20,000.00 to \$25,000.00. So, we are looking at a 45,000.00 to \$55,000.00 project for lights and cameras. A conversation ensued.

- 3.) Ms. Hobbs asked about a park ranger, police presence at the park to interact with the children. Chief answered a park ranger sounds like a volunteer. Mayor Jorden responded it is something we are definitely taken 100% seriously. A conversation ensued.

## **Adjournment**

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

Submitted by:

Clerk of Council  
Vondell Spencer