MAYOR & COMMISSIONERS
October 12, 2026
MEETING HELD IN-PERSON AND VIA TELECONFERENCE

Mayor Benjamin 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 Jack Lenox, Commissioners Jacob Boothe, Ronald Nembhard, and Cory Shaffer, Police Chief Ivan Barkley, Town Attorney Robert Benson, Town Mgr. Jeff Fleetwood, Student Advisor Jackson Luffman, and Clerk of Council, Vondell Spencer. Guest: Kim Novak, Ona Payne, Doug Marshall, Mya Kemp, Averie Figgs, Kevin Johnson, Brooks Morris, Todd Reiben, Rob and Christina Fuller, Tom Bauer, Bunky Luffman, Tamara Mills, Randy Mills, Angel Calloway, Bryan Adkins, Twila Adkins, Lane Stutzman, Chad Zimmerman, Kris Zimmerman, Todd Lanier, Bob Payne, Cody Stallenberg, Vince Luca, Lynn Knowles, Mick Haensler, Lisa Ruark, Myah Niblett, Donald Willowby, Dylan Kenney, Maria and Will Madero, Phil Harsin, James and Mikele Dahlen, and Holly Campbell.

Mayor Jorden led the Pledge of Allegiance.

Mayor's Comments –

Mayor Jorden thanked everyone for attending the meeting.

Approval of Minutes –

A motion was made, seconded, (Shaffer/Nembhard) and carried to approve the September 14, 2026 meeting minutes. The motion carried with a vote of 4 Ayes 1 Abstain (Boothe).

Unfinished Business –

None.

New Business –

Halloween Resolution #2026-10-05
Mayor Jorden introduced and read Halloween Resolution #2026-10-05.

Amending Ordinance #766 for LSI
Town Mgr. Fleetwood explained Ordinance #765 concerning Maryland Water Infrastructure Financing Administration Loans for Delmar, Maryland Lead Service Line Inventory. He further explained Ordinance #766 Amending Ordinance #765.

Mayor Jorden introduced and read Ordinance #766.

Mayor Jorden asked for a motion to accept Ordinance #766 Amending Ordinance #765. The motion was made/seconded (Boothe/Lenox) and carried by a vote of 5 Ayes.

Noise Ordinance Discussion

Mayor Jorden provided the background for the Noise Ordinance discussion.

Mayor Jorden clarified the Commission was not voting on anything or passing laws. He also clarified the routes that would be taken if the Commission decided to vote or pass any laws. He said this is just a discussion because two business are being affected here in town which are The Groove and Kylan Barn. He further said the Commission wants to resolve their noise issues rather than impacting other businesses.

Mr. Paul "Doug" Marshall stated the Mayor and Commissioners leadership is a major reason that the group landed in Delmar, Maryland. Because of their belief in this restaurant, it has basically defied most odds. Opening a restaurant in this economy paired with all the other factors they are having is unheard of, but yet here they are, surviving. Not only have they spent $1.5 million in goods in the last 12 months alone, they now feed 1,500 covers per week, which is people, which is over $75 ,000 annually, employ 31 people while being a creative place for all people to unite through food and music which is actually in their mission statement.

Mr. Marshall further stated he thanks each of the Commission that know how hard they have been trying to solve this noise issue. They have provided the Commission with the countless correspondence with this individual begging for their event schedule so they can have the bands take breaks during the ceremony times. Mr. Marshall said Commissioner Shaffer has been very involved with this and to date, the schedule has not been shared. Ironically, an employee of this venue reached out to them before their last Outdoor Concert Series, asking if we could take a break at 3:30 p.m., because a wedding was taking place in the woods next door. What happened? The entire afternoon of The Groove was moved up to make sure the event was ended at 3:30 p.m. He further said they ended at 3:.30 p.m. sharp and he sent Commissioner Shaffer all the text messages between himself and the general manager of that venue.

Mr. Marshall stated just this past Sunday, the same employee texted them saying there was an event at 3:30 p.m. this past Sunday and The Groove made it happen no questions asked and the event went off great. He further stated tonight, I stand here in protest to the constant harassment and one-sided enforcement. One of the town employees is on this person's speed dial, and he wanted the record to reflect clearly that not only were our storm drains intentionally clogged causing thousands of dollars in damage, the response to our complaint was the drains will only be unplugged if you sign a contract and not do weddings. He informed Commissioner Shaffer he did not have to answer that, but Commissioner Shaffer knows that is accurate.

Mr. Marshall said they are forced to stare at an illegal junkyard fence that they have requested be placed into compliance, endlessly, with no results. The fence is 10 feet tall. In some form of childless expression, this entity tore down an old outhouse building and sat it one inch over my personal property line so that my wife and I, who was very sick, my wife, will be reminded of this harassment on a daily basis. They made an effort to drop this building, 1 ,500 feet. He further said he put a picture on Facebook and some people said he was lying. Then he called the town again, nothing was done. So, he is protesting this one-sided enforcement. This entity is not only trying to get DelDOT involved now to provoke our entrance. He has also called the police, liquor board, and

town officials more times than they can count, 50 plus. None of us want to be here and under no circumstance did he want their valued police officers to be in the middle of this.

Mr. Marshall stated we all know The Groove was founded after what happened in April 2021. This person knows his passion for first responders', mental health, and is using these complaints to hurt his relationship with law enforcement, which is working. Mr. Marshall further stated there is a solution the Council can do right this minute. They can apply a public nuisance ordinance so every time this person complains he is are fined, or the Council can pass a knee jerk ordinance that will massively bog down the police with unnecessary work, create paperwork nightmares, and produce the marketability of a town with zero commercial growth.

Mr. Marshall said in closing, we all know how we got here. Since the press release about us acquiring the old Tall Tales to create the wedding events the harassment has exploded and he respects each of the Commission. The Groove will be in Delmar for a long time but if an ordinance is passed, they need to be grandfathered in. If they are not grandfathered in and subject to potential criminal fines, and it affects his liquor license, the odds will decrease incrementally of The Groove staying in Delmar. He further said The Groove is flooded with opportunities but that is not his intent because he loves Delmar, the people, and there is a lot of customers that are here tonight and that is the last thing he would want to do. The liquor license is his holy grail. So, if this person starts calling because the decibels are 68.1, and he subject to criminal action, then they are going to have a big problem.

Mr. Marshall explained they are only busy on Friday, Saturday and Sunday because during week they are slow. He stated a restrictive noise ordinance will result in an unintended outcome if they relocate. Delmar could have two wedding centers next to each other, that's why they originally built the place or designed the wedding center. But again, we don't want that. Throughout all of this, the outbursts and harassing events, the offer still is, share the schedule, and we will work our schedule around theirs. He further stated they want them to be successful because the better off they are, the better off we are.

Mr. Marshall said he has forwarded many of the Commission the email threads wanting to work together, and the Commission has seen all those correspondences. They have been begging to work together. Now he is getting HOA complaints some nights about the music when it's not even them playing, so he thought the Commission will hear all kinds of stories today, but he does respect the Commission and the adjoining property owner. He further said the hiccups are they have bands every Friday and Saturday between 6:00 p.m. and 9:00 p.m. When they clean up the bar there maybe some sound, but if they would give us the schedule like we've been begging for, all of this could be bypassed and the town will not have to pass orders for one single person that will restrict everything.

Mr. Marshall ended with we love Delmar and we chose it because of the Commission, the story, and they want to stay here but the Commission has to really use caution when implementing the ordinance.

Mayor Jorden explained again this is not a public hearing. He said he did not think any of the Commission are intending on doing anything. Mayor Jorden explained they are trying to look for

what other towns around our area are doing because the town already has a noise ordinance and to be clear part of the conversation that was very brief last month was what would it look like if we define what that ordinance would be. Obviously, Delmar, Maryland does have a town attorney that can inform the Commission what they can and can not do.

Ms. Lindsey Ryan spoke on behalf of Kyle Hughes and Kylan Barn. She stated she represents local jurisdictions on the Eastern Shore, Oxford, St. Michael's, many of which also dealt with this issue the Commission is dealing with now. She further stated The Groove comes in, plays music which everyone enjoys, and we appreciate that, but at some point, neighboring property owners start to have an issue with that. It affects their daily life and their businesses. That's kind of where we're at, at this point.

Ms. Ryan said we do appreciate the property owner wanting to work with this property owner and turn off music during ceremonies. Unfortunately, the music is so loud that it is affecting not just during the ceremonies. There are times where the base is vibrating the building. There are times where you could hear it so loudly as if you are on the property. She further said a lot of this is really just because of the size of one property versus the other and we recognize that. This owner is not trying to shut down one business. This owner actually recognized that if there is a noise ordinance, it will be applied across all businesses including this one that doesn't impact the businesses but also can kind of dissipate the impacts that are happening on these neighbors and property owners. A lengthy conversation occurred.

Mayor Jorden's conclusion was to get a meeting scheduled within the next week or two between both parties, Owner of Kylan Barn Mr. Kyle Hughes and Owner of The Groove Mr. Doug Marshall to work out a resolution.

Ms. Angel Calloway commented the noise ordinance does not just pertain to just those two places. She asked about the school, sports, events, other businesses, and fire department. She further commented the Commission is taking more away from the community because of childish actions and questioned the fairness of it all. She said the two involved parties should sit down and figure this out themselves instead of having to get the Commission or lawyers involved.

Ms. Tamara Mills commented about what kind of town we would want this to be as far as being business friendly and what we want to do for the people in our community. She further commented she has concerns about the negative effects of losing live music and also the employees of The Groove losing their livelihoods.

Commissioner Shaffer commented none of them are here to be anybody's dad but it gets to a point since last November, the complaints add up and this is where we are at. If we have to do something what does that mean for everything in town. Nobody wants to affect anything. A conversation ensued.

Committee Reports:

Student Advisor Jackson Luffman –

Student Advisor Jack Luffman reported: 1.) The school just had another homecoming dance this past weekend and football game against the Early College School was won by Delmar 47-12. 2.) Senior Night for field hockey is on October 19th against Stephen Decatur. 3.) Boys' Soccer Senior Night is October 14th. The girls play in the spring. 4.) November 6th Delmar plays Indian River and it is Football Senior Night. 5.) Delmar has a Trick or Treat Night on October 31st. 6.) The school is closed November 2nd for Professional Day and November 3rd for elections. November 4th school will be open and November 5th is half day due to Return Day.

Mayor Jorden asked Mr. Luffman to discuss what transpired in Annapolis during his time off. Mr. Luffman discussed students that are Maryland residents that attend Delmar High School will now be eligible for the Community College Promise Scholarship. He said previously students were not eligible due to the language stating to be eligible students would have to be from a Maryland high school. He further said they were able to get a new bill added which was signed by the governor in May and went into effect July 1st. Mayor Jorden added Mr. Luffman went up and testified in Annapolis. Commission Shaffer asked Mr. Luffman who else worked on that with him. Mr. Luffman answered State Delegate, Barry Beauchamp, Mayor Jorden with his endorsement, the County Executive wrote an endorsement as well, and Senator Marybeth Carozza. Mayor Jorden stated this is what the future of Delmar is.

Police Chief's Report – The report is included in the mail packets.

Chief Barkley reported as follows: 1.) There have been several thefts from vehicles on the Maryland side. The items were taken from unlocked cars and trucks. Chief Barkley stated if you are going to leave your car unlocked, please, please, please, remove your valuables. The investigation is ongoing with some possible suspects that have been identified, not saying they are absolutely sure they were the people that committed the thefts. As of right now PD has increased patrols all over town because this is a crime of opportunity. 2.) As of today, PD is three officers short. There is still one in the academy and PD is down one full-time dispatcher. PD is currently using administrative staff and overtime to backfill the shortages, especially during times of leave and training. 3.) The 10th Annual Blue Line Classic Golf Tournament was Saturday and fantastic. Chief Barkley thanked everyone that attended and participated. 4.) There will be extra patrols for Halloween. Commissioner Boothe commented he really enjoyed the annual golf tournament and it keeps getting better. Chief Barkley added the proceeds go towards supporting our school, Little League teams, and supports just about any charity that comes forward, such as, Life Crisis. Commissioner Shaffer commented it's always a good time. He mentioned Sergeant McCahill because he is the ringleader essentially of all this and runs the errands. Sgt. McCahill is up at 5:00 a.m. in the morning picking all this stuff up for all the players in their bags, things like that. He further commented it shows the dedication that these guys have put into this golf tournament. That interaction is what that department brings to the community as well. Chief Barkley clarified the date of the academy graduation which is Wednesday, December 9th.

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

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

Water Treatment Plant Report – The report is included in the mail packets.

Utility Commission –

The Delmar Utility Commission meeting was this evening at 6:30 p.m.

Commissioner Shaffer reported: 1.) Phase 3 INI: the town is gradually going through, as money allows, replacing sewer lines. The town is doing a project called slip lining. The brick-and-mortar portion will be done weather permitting in November. The lead service contractor for inventory has about 45 to 60 days' worth of work on the Maryland side which has been funded already. The town has not put it out on the Delaware side for bids because you cannot have a sole source contractor. 2.) MDE (Maryland Department of Environment) has been to the Waste Water Treatment Plant. Commissioner Shaffer mentioned the Director of the WWTP, Frank Daniels because there were no findings and Mr. Daniels is usually good on his numbers. He further mentioned through upgrades at the plant that Mr. Daniels has requested and kept on top of, he's always done a really, really good job as far as he is aware.

Planning & Zoning –

Deputy Mayor Lenox reported the Planning and Zoning Commission met on September 24, 2026.

1.) **Mircea Tusca/Ocean 13 Motors, LLC – Temporary Office Trailer (Office for a Car Dealership) – 30342 Foskey Lane, Delmar, MD** – Mr. Tusca presented a temporary office as referenced per the attached drawings. Commissioner Shaffer asked Mr. Tusca how long it takes to receive a license. Mr. Tusca answered about 12 months. Commissioner Shaffer clarified it would take about a year and a half.

    Deputy Mayor Lenox called for a motion to accept the Planning and Zoning Commission's favorable recommendation to approve – Mircea Tusca/Ocean 13 Motors, LLC – Temporary Office Trailer (Office for a Car Dealership) – 30342 Foskey Lane, Delmar, MD, per the attached drawings for a period of one year commencing on the date that the state license is issued for the car dealership with the conditions there are no porta potties on the site and the sign is subject to permitting. This can be revisited one year from now. A motion was made/seconded (Shaffer/Nembhard) and carried by a vote of 5 Ayes.

Parks & Recreation – No Report.

Town Managers Report –

Town Mgr. Fleetwood reported: 1.) The Homecoming Parade was the biggest the town has had in the last four to five years. 2.) This last Saturday was the last Farmers Market of this year. The market master will be changed going into 2027. The new market master will be Wendy Jarrett. 3.) Tomorrow at 3:30 p.m. Maryland Congressman, Andy Harris will be at the fire department where he will appropriate in excess of $2 million for a project, they are going to embark on, on Stage Rd. 4.) The Employee Holiday Luncheon will be November 19th at 12:00 p.m., more to follow. 5.) Town Mgr. Fleetwood will be out of town October 14th through October 17th.

Council Comments –

Deputy Mayor Lenox, Commissioner Nembhard had no comments.

1.) Commissioner Boothe commented the fire department was blessed by both Delaware Congresswoman Sarah McBride and Maryland Congressman Andy Harris. They were able to get about $350,000 for a new ambulance for the Delmar Fire Department. Also, Sussex County has a new program and they will also reward about $350,000 for another new ambulance. Commissioner Boothe further commented this year is the first homecoming he has missed but he made a commitment to the golf tournament. It was a really good turnout.

2.) Commissioner Shaffer commented there is a lady in town and she sent a letter thanking Planning and Zoning Director, Twain Evanson and front desk staff for helping her get the town funding through some of the programs the town offers to repair her home after she suffer hardships and could not do it herself. He further commented that is one of the things that makes Delmar great and that is a testament to that.

Public Comments –

1.) Ms. Holly Campbell thanked Commissioner Shaffer for the positive story. She questioned where the help/program for the resident came from. Town Mgr. Fleetwood provided the program name and steps. She further questioned if there was a way to promote or broadcast the program. A conversation ensued.

Ms. Campbell commented about her neighbors doing a tremendous amount of work at Connelly Mill Park. She updated the Mayor and Commissioners of good news for Connelly Mill Park and upcoming future expectations. Commissioner Boothe commented they have stayed with it and we've lived right down the road and it's a big thing for him as well. He thanked them and told them their hard work is paying off. He further thanked Delmar for putting up their fight for residents. A conversation ensued.

2.) Mr. James Dahlen commented it was interesting to hear about the homecoming parade being so successful this year. Two years ago, or so I went and I felt like it just went by in a second and I was so discouraged. So, hopefully other people aren't feeling that and they know maybe to come back next year.

3.) Ms. Janet Robinson thanked the Mayor and Commissioners for all the support they have given Woodcreek. She inquired about bulk pickup. Mayor Jorden responded it is in the spring. Town Mgr. Fleetwood informed Ms. Robinson what to do if she had a bulk pickup. She further asked about getting more support for more lighting on Rolling Green Dr. Town Mgr. Fleetwood responded the majority of the lights in Woodcreek are owned by Delmarva Power but she could reach out to him.

Adjournment –

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

Submitted by:

Clerk of Council, CMC
Vondell Spencer