

**MAYOR & COUNCIL**  
**November 4, 2024**  
**MEETING HELD IN-PERSON AND VIA TELECONFERENCE**

Mayor Thomas A. Bauer called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware 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 Vice Mayor Odell Jones, Jr., Council Members Todd Lanier, and Mike McClure. Key Personnel: Town Manager Jeff Fleetwood, Chief Ivan Barkley, Public Works Director, Bob Buck, Clerk of Council, Vondell Spencer, and Student Advisor Joey Morelli. Guests: Tiffanie Cannon, Nick Nistazos, Andy Warfield, Kevin Aydelotte, and Farrah Morelli. Absent: Council Member Matthew Waldman.

Mayor Bauer called the meeting to order and Commission Ronald Nembhard led the Pledge of Allegiance. A quorum was established.

**Mayor's Comments**

Mayor Bauer said at the beginning and end of each school day there is a notable traffic problem on Lincoln Ave. between Eighth St. and Seventh St. Parking on both sides of the street makes it impossible for the school buses to get through if someone is coming from the opposite direction, this typically causes a blockage and back-up.

Mayor Bauer congratulated Council Member Lanier and Vice Mayor Jones on winning their election. He said their swearing in will take place at 8:00 p.m. this evening.

Mayor Bauer commented it is his opinion if we restrict parking on the south side of Lincoln Ave. between 7:00 a.m. and 9:00 a.m. and again in the afternoon from 2:00 p.m. until 4:00 p.m. just in that one block area, we should be able to solve the problem.

Council Member Waldman is excused for this evening.

**Approval of Minutes**

Mayor Bauer called for a motion to approve the September 3, 2024 meeting minutes including the changes made for the amendment to Ordinance #87. A motion was made/seconded (Jones/Lanier) and carried by a vote of 3 Ayes 1 Abstain (McClure) 1 Absent (Waldman).

**Unfinished Business**

None.

## **New Business –**

### North Sixth St. and Seventh St. Stormwater Update

Town Mgr. Fleetwood publicly thanked Director of Public Works, Bob Buck because this project is well overdue.

Director of Public Works, Bob Buck recapped the completion of the large stormwater project on the DE side from the west side of Sixth St. to the west side of Seventh St. completed by Hopkins Construction in 6 full working days. Mr. Buck gave more updates and conversations occurred.

### Public Hearing 2<sup>nd</sup> Reading Ordinance #184 Impact Fees

Mayor Bauer called for a motion to suspend the rules and go into a public hearing. A motion was made/seconded (Lanier/McClure) and carried by 4 Ayes 1 Absent (Waldman).

There were no comments from the public.

Mayor Bauer called for a motion to close the public hearing and resume the rules. A motion was made/seconded (Lanier/McClure) and carried by a vote of 4 Ayes 1 Absent (Waldman).

Mayor Bauer read Ordinance #184.

Mayor Bauer called for a motion to accept Ordinance #184. A motion was made/seconded (McClure/Jones) and carried by a vote of 4 Ayes 1 Absent (Waldman).

## **Student Advisory**

Mr. Joey Morelli reported: 1.) Today, November 4<sup>th</sup> was the end of the marking period. 2.) Tomorrow, November 5<sup>th</sup> is the General Election and the school is closed. 3.) November 6<sup>th</sup> school is closed for a teacher's grading day. 4.) Thursday, November 7<sup>th</sup> in celebration of Returns Day the school will have an early dismissal at 11:45 a.m. 5.) The marching band and color guard will travel to Georgetown, DE for the parade. 6.) Monday, November 11<sup>th</sup> the school will be closed for Veteran's Day and the band will travel to Perdue's Corporate location to play music for their Veteran's Day Celebration. 7.) November 12<sup>th</sup> marking period 1 report cards will be distributed. 8.) November 25<sup>th</sup> and Tuesday November 26<sup>th</sup>, school will be closed for students. Also, November 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup> school will be closed for the Thanksgiving Holiday. 9.) Delmar is currently holding its National Honor Society Induction Ceremony tonight. Mr. Morelli congratulated the new inductees. 10.) Football has a current regular season record of 8-1 with the final regular season home game this Friday, November 8<sup>th</sup> at 7:00 p.m. vs. Woodbridge. It is also Senior Night. 11.) Cross country finished their season with a 0-6 record. 12.) Field hockey has finished their regular season with a 14-1 record and in the Henlopen championship game and 2<sup>nd</sup> round DIAA state tournament they are 16-1. 13.) Field hockey's next game is on Wednesday, November 6<sup>th</sup> at 4:00 p.m. vs. Sussex Academy at Delaware State University. This is the DIAA semi-final game. 14.) Boy's soccer's regular record is 9-5-1. They will play in the 1<sup>st</sup> round DIAA Tournament at home vs. St. Andrews School on Wednesday, November 6<sup>th</sup> at 6:30 p.m. 15.) Girls' volleyball finished their season with a record of 2-13.

## **Committee Reports:**

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

Chief Ivan Barkley reported: 1.) PD made it through Halloween with little to no incidents. He said he expected the coming months to be busier because of the holidays. Thefts will rise and officers will do more checks on businesses. Officers will do more enforcement in the town's shopping areas as well. Chief Barkley explained to the council why the parking violations are higher on the statistical report. 2.) In the area of Lincoln Ave. there are parking issues sometimes in the morning and especially in the afternoon a result of permitted parking on both sides of the street. The permitted parking makes it difficult for the buses to get through especially when traffic is moving. Chief Barkley stated if the town restricted parking on the south side of Lincoln Ave. between 7:00 a.m. and 9:00 a.m. and from 2:00 p.m. to 4:00 p.m. the issue should be solved. PD has also been working with a bus driver from Wicomico Transportation to try to provide a new route for alternatives.

Mayor Bauer called for a motion to change the parking restrictions on Lincoln Ave. between Eighth St. and Seventh St. where there would be no parking on the south side from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday through Friday effective December 1, 2024. A motion was made/seconded (Lanier/McClure) and carried by a vote of 4 Ayes 1 Absent (Waldman).

Mr. Buck commented the signs needed are not in his shop. He said he will get them made which could take up to two weeks.

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

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

Utility Commission –

Council Member Lanier reported: 1.) Changes were made to the clear well pumps. The town will have to set up our wet wells to the side of the WTP while the WTP gets pumps installed in fiscal year 2026. 2.) There was reported work done on Sixth St. and Seventh St.

Parks and Recreation Report – The report is included in the mail packet.

Council Member McClure reported: 1.) There was a good turnout and participation for the chili cook-off/job fair. 2.) The movie night did not take place because the vendor arrived late. In the future movie night will be held using the Delmar Library's equipment. 3.) The New Year's Eve Celebration will be pushed back a year for more planning.

Fire Department – No report.

Planning & Zoning –

Vice Mayor Jones reported:

1. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation L – Lot 109, 38502 Barberrry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

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 109, 38502 Barberrry St., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation L – Lot 109, 38502 Barberrry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Bauer/McClure) and carried by a vote of 4 Ayes 1 Absent (Waldman).

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 112, TBD, Barberrry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 112, TBD, Barberrry St., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 112, TBD, Barberrry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Lanier/McClure) and carried by a vote of 4 Ayes Absent 1 (Waldman).

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 117, 38485 Barberrry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

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 117, 38485 Barberrry St., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 117, 38485 Barberrry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Bauer/McClure) and carried by a vote of 4 Ayes 1 Absent (Waldman)

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 158, TBD, Sandberrry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 158, TBD, Sandberry St., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 158, TBD, Sandberry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Lanier/Bauer) and carried by a vote of 4 Ayes 1 Absent (Waldman).

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 159, 38448 Sandberry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 159, 38448 Sandberry St., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 159, 38448 Sandberry St., Delmar, DE, per the attached drawings. A motion was made/seconded (McClure/Lanier) and carried by a vote of 4 Ayes 1 Absent (Waldman).

6. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 160, 38440 Sandberry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – Stillwater/Cedar/Elevation K – Lot 160, 38440 Sandberry St., Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 160, 38440 Sandberry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Lanier/Bauer) and carried by a vote of 4 Ayes 1 Absent (Waldman).

7. **Andrew Warfield/Nistazos Holdings – Preliminary Plan (Dunkin Donuts) – Lot 5, 3 Gerald Court, Delmar, DE** – Mr. Kevin Aydelotte presented a preliminary plan for Dunkin Donuts as referenced per the attached drawings.

Mr. Aydelotte mentioned attending a couple meetings with the state agencies regarding the traffic impact study with a favorable outcome. He further mentioned they are now working with contracting and an engineer. The issue of the Maryland State Highway Administration was the westbound intersection at Line Rd. and Rt.13 which they have already planned to restripe the stoplight signal at that location. There was also a DelDot scoping meeting for the TIS (traffic impact study) which they are working through.

Mr. Aydelotte said they are looking for approval this evening to invest in the rest of the engineering with stormwater management and erosion/sediment. Town Mgr. Fleetwood informed the council everything has been approved contingent on MDOT and DelDot. A conversation ensued.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Andrew Warfield/Nistazos Holdings – Preliminary Plan (Dunkin Donuts) – Lot 5, 3 Gerald Court, Delmar, DE, per the attached drawings.

Vice Mayor Jones called for a motion to accept – Andrew Warfield/Nistazos Holdings – Preliminary Plan (Dunkin Donuts) – Lot 5, 3 Gerald Court, Delmar, DE, per the attached drawings. A motion was made/seconded (Bauer/Lanier) and carried by a vote of 4 Ayes 1 Absent (Waldman).

### **Town Manager’s Report**

Town Mgr. Fleetwood reported: 1.) The Holiday Employee Luncheon is November 19<sup>th</sup> at 12:00 p.m. at the Delmar Fire Department, 2<sup>nd</sup> floor. The luncheon will be catered by Your Turn to Cook. 2.) Town Mgr. Fleetwood publicly commended PW Director, Bob Buck for the project on Sixth St. and Seventh St. 3.) Approximately 100 catch basins have been cleaned out. 4.) Town Mgr. Fleetwood will be on vacation from November 7<sup>th</sup> and will return November 11<sup>th</sup>.

### **Council Comments**

Council Member McClure had no comments.

- 1.) Council Member Lanier commented he was disappointed the work went so quick with the pipe going under Sixth St. and Seventh St. because it blocked the traffic coming in front of his house on his way to work, but he is happy the work was completed and he is excited to see the results.
- 2.) Vice Mayor Jones publicly commended all the departments because they are all doing great things. The town is slowly progressing and moving forward. He said he spoke with WTP, Superintendent’s class this morning and there were 18 students that were very attentive and asking questions and good things are happening.

### **Public Comments**

None.

### **Swearing In**

Clerk of Council, Vondell Spencer read the Oath of Office for the Mayor of Delmar, DE and swore in Thomas A. Bauer.

Mayor Bauer read the Oath of Office for Delmar, DE Council Member and swore in Odell Jones Jr.

Mayor Bauer read the Oath of Office for Delmar, DE Council Member and swore in Todd Lanier.

Mayor Bauer congratulated Council Members Jones and Lanier and they congratulated Mayor Bauer.

Mayor Bauer made a motion to appoint Council Member Odell Jones Jr. as Vice Mayor. Council Member Lanier seconded the motion that carried by 4 Ayes 1 Absent (Waldman).

### **Adjournment**

Mayor Bauer asked for a motion to adjourn. A motion was made/seconded (Waldman/Jones) and carried by a roll call vote of 4 Ayes 1 Absent (McClure).

Submitted by:

Clerk of Council  
Vondell Spencer