

Town of Cheswold
1856



State of Delaware
1787

**Town of Cheswold
Minutes of the Monthly Town Council Meeting
691 Main Street
Cheswold, Delaware 19936
Monday – July 10, 2023
5:00 p.m.**

ZOOM Teleconference

1-929-205-6099 Meeting ID: 9728359352#
<https://us02web.zoom.us/j/9728359252>

The following persons were in attendance in person:

Mayor Santo Faronea
Vice Mayor Maxwell Amoako
Secretary/Treasurer Theon Callender
Councilperson Judith Johnson (via Zoom)
Councilperson Mark Moxley
Councilperson Robin Ridgway

Police Department: Chief Chris Workman; Lt. Susan Kline; Sgt. John Mitchell

Administration: Ms. Camryn Tunnell - Administrative Clerk, Mrs. Shadina Jones – Town Clerk

Public Works: Code Enforcement Officer Mr. Mike Callender

Community Attendees-

Joesph Schell (via Zoom)
Dr. Noble Jarrell (In Person)

Guests-

Mrs. Tracey Mitchell (In Person)

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on December 15, 2022 on the Town of Cheswold website at: <http://cheswold.delaware.gov>. Copies of the agenda were posted outside the Cheswold Town Hall; in the local Post Office; at the Fox Pointe Management Office and on the Official Web Site for the Town of Cheswold, at <http://cheswold.delaware.gov>; and was filed with the Clerk of the Town of Cheswold on June 30, 2023. Copies of the agenda were available for pick-up at the Town Hall. (CAM – Please remember to change this date every month).

TOWN of CHESWOLD
P.O. Box 220 – Cheswold, Delaware 19936
Phone: (302) 734-6991 – Fax: (302) 734-1355

MEETING:

The meeting was called to order by Mayor Faronea at 5:00pm.

PLEDGE of ALLEGIANCE and MOMENT of SILENCE

The Pledge of Allegiance and Moment of Silence were conducted after the meeting was called to order.

PROPERLY POSTED:

Administrative Clerk Camryn Tunnell noted that the meeting was properly posted.

ROLL CALL:

Mayor Faronea requested the Administrative Clerk to call the roll. With all members of the of the six (6) person Council present, Ms. Tunnell presented a quorum to the Mayor and the meeting continued.

REVIEW of AGENDA

Mayor Faronea requested the Council review the accuracy of the agenda and for a motion to accept as presented or to make changes and amendment requests as needed.

A motion to accept the agenda as presented was made by Vice Mayor Amoako and seconded by Councilperson Ridgway. The motion was passed unanimously amongst the Council.

REVIEW of PREVIOUS MONTHS MINUTES

Mayor Faronea requested the Council to review the accuracy of the previous month's minutes and for a motion to accept them as presented or to make revisions or amendments as needed.

A motion to accept the Town Council minutes, as presented, was made by Vice Mayor Amoako and Councilperson Moxley made a second to approve the motion. A roll call vote on the motion resulted in a unanimous vote to approve the following minutes:

Town Council Monthly Meeting – July 10, 2023

TREASURER'S REPORT: *Town Clerk Shadina Jones*

a. The Treasurer's Reports for the **Month of June 2023**, is as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	JUNE 2023
Cash Receipts	\$ 87,102.37
Cash Disbursements	\$ 77,569.57
Monthly Cash Flow	\$ 9,532.80

ADMINISTRATION	JUNE 2023
Cash Receipts	\$ 74,552.23
Cash Disbursements	\$ 43,382.13
Monthly Cash Flow	\$ 31,170.10

POLICE DEPARTMENT	JUNE 2023
Cash Receipts	\$ 3,676.64
Cash Disbursements	\$ 31,685.10
Negative Monthly Cash Flow	\$ (28,008.46)

PUBLIC WORKS	JUNE 2023
Cash Receipts	\$ 8,873.50
Cash Disbursements	\$ 2,502.34
Monthly Cash Flow	\$ 6,371.16

b. The Treasurer's Report, (**Account Balances**), for the **Month of June 2023**:

as of:	JUNE 2023
Capital Account	\$ 33,360.59
Cheswold Heritage Day Account	\$ 14,690.63
Eide Grant Fund Account	\$ 4,983.58
Public Safety Account	\$ 141,311.51
General Fund Account	\$ 662,329.80
Land Use Applicant's Account	\$ 59,687.74
Litigation Account	\$ CLOSED
Municipal Street Aid Account	\$ 60,408.76
Salle Grant Fund Account	\$ 2,258.12
DelDOT Projects	\$ 91,034.90
ARPA	\$ 511,379.64
Municipal Complex Building	\$ 746,521.92

Monthly Town Council Meeting
Meeting Notice Posted: *December 15, 2022*

July 10, 2023
Agenda Posted: June 30, 2023

TOWN of CHESWOLD
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TREASURER'S REPORT: *"continued"*

Mrs. Jones stated the Treasurer's Report was sent via email and stated there is not much to report, however, the Town is in a positive financial standing.

c. Requisitions –

<u>Req. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
NOTHING TO REPORT					

b. Proposed Purchase/s -

<u>Req. #</u>	<u>Dept.</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By:</u>
NOTHING TO REPORT					

TAX COLLECTOR'S REPORT – Administrative Clerk Camryn Tunnell
Month of June 2023

The Tax Collector's Report was sent out prior to the meeting and Ms. Tunnell informed the Council that no residents were removed from the delinquent tax listing during the previous month.

TAX REPORT: FISCAL YEAR 2022– 2023

Total Amount Billed: \$216,333.36

Total Amount Paid: \$213,796.74

	Paid As of:	Current Year:	Past Due Paid:
07/31/2022	\$ 15,913.33	\$	460.38
08/31/2022	\$ 43,141.87	\$	1,059.61
09/30/2022	\$ 109,051.48	\$	1,278.87
10/31/2022	\$ 15, 189.13	\$	437.94
11/30/202	\$ 15, 741.38	\$	1,185.86
12 /31/2022	\$ 2,976.31	\$	310.31
01/31/2023	\$ 1,060.30	\$	131.54
02/29/2023	\$ 3,365.80	\$	231.92
03/31/2023	\$ 4,200.19	\$	1,336.69
04/30/2023	\$ 903.14	\$	355.59
05/31/2023	\$ 912.82	\$	239.60
06/30/2023	\$ 1,340.85	\$	818.06

Monthly Town Council Meeting
Meeting Notice Posted: *December 15, 2022*

July 10, 2023
Agenda Posted: June 30, 2023

POLICE DEPARTMENT REPORT – Chief Christopher Workman:

Training - All departmental personnel completed their annual Spring Firearms qualifications and are in the process of completing their yearly re-certification in the use of the Taser 7.

Sgt. John Mitchell will be attending FBI-LEEDA Command Leadership Institute from July 31-Aug 4. This class is paid for by the Criminal Justice Council and is required training for all supervisory officers in the department.

Lt Kline will be attending the Mid-Atlantic Association of Women in Law Enforcement Conference September 10-14, 2023.

Chief Workman will be attending the IACP Training Conference and Expo in San Diego, CA October 13-18, 2023.

New Officer - Sergeant John L Mitchell has officially started his service with the Cheswold Police Department and his ceremonial swearing-in will take place at the Council Meeting on July 10th.

Promotion - Officer Brendin Peters has been promoted to the Rank of Patrol Officer First Class. Off. Peters has worked very hard since clearing his field training and has excelled in his learning process. We congratulate him on his accomplishments and look forward to his continued success.

Academy Recruits - We will be sending one recruit to the Wilmington Police Academy, which begins in August.

Retirement - M/Cpl R. Eric Cooper has advised the police department that he has begun his retirement paperwork and will be officially retired effective Sept. 9, 2023. He has made a request to stay on as a part-time officer once he has left his full-time status.

Extra Patrols - extra supplemental patrols have been scheduled for the spring and summer. This will provide for extra officers on

Energize Delaware Grant - We have applied for and been awarded a grant through Energize Delaware to provide two electric vehicles (Ford F150 Lightning and Ford Mach-E) along with the cost of two charging stations and installation for a total of \$145,400.00. We are in the process of ordering the vehicles for build along with securing the equipment and installation for the charging stations.

Monthly Town Council Meeting
Meeting Notice Posted: *December 15, 2022*

July 10, 2023
Agenda Posted: **June 30, 2023**

TOWN of CHESWOLD
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POLICE DEPARTMENT REPORT – Chief Christopher Workman: “continued”

In-Car Cameras - We are continuing to build our video capabilities and have received our new in-car cameras from Axon which will work in concert with our body worn cameras and other equipment to provide an overall recording of incidents such as traffic stops and response to calls for service.

We are currently awaiting the scheduling for the installation of the equipment through the manufacturer.

Council Meeting Notes:

Chief Workman stated he sent his report via email to the Council. He also informed the Council that two electric Mach-E police vehicles were test-driven and are scheduled for purchase in the upcoming week. Energize Delaware provided the grant to purchase the vehicles. Mr. Amoako asked if the charging station will be available for public use. Chief Workman stated they will be available if resident’s need them. He also mentioned that Valero is looking to purchase charging stations.

Mr. Colin Hill and Mr. Glenwood Jackson are scheduled to attend the Wilmington Police Academy together in August. Mr. Jackson is a retired constable. He will still be required to complete all the required testing. Chief Workman will present a formal request for hire once Mr. Jackson completes the testing.

A motion was made by Vice Mayor Amoako to approve the conditional hire of Mr. Glenwood Jackson. The motion was seconded by Councilperson Moxley and passed unanimously by the attending Council.

Councilperson Moxley asked if any vehicles will be getting wrapped this year. Chief Workman informed him that there are no cars scheduled to be wrapped at this time.

Traffic

Traffic Violations Charged –

Officers issued 157 traffic summons during the month of June. These are the number of violations issued. (One traffic stop could equal 2 or more violations, eg. Speeding, no driver’s license)

Actual Traffic Stops - 154

Graphs depicting traffic stops made in May and dispositions were presented to the Town Council. The following reflects the data depicted on the graphs by either ethnicity or gender. In an effort to expand transparency we are adding this to the monthly report to show who our officer’s stop for violations and how they complete the stop.

Monthly Town Council Meeting
Meeting Notice Posted: *December 15, 2022*

July 10, 2023
Agenda Posted: *June 30, 2023*

POLICE DEPARTMENT REPORT – Chief Christopher Workman: “continued”

Male Traffic Stops

African American	31
Caucasian	48
Latino	2
Other/Undeter.	4

Female Traffic Stops

African American	35
Caucasian	32
Latino	1
Other/Undeter.	1

Dispositions

Summons

African American	57
Caucasian	69
Latino	2
Other/Undeter.	5

Verbal Warnings

African American	8
Caucasian	9
Latino	0
Other/Undeter.	0

Written Warning

African American	2
Caucasian	1
Latino	1
Other/Undetermined	0

Monthly Activity Report – Officers responded to or completed reports for 162 Incidents for the month of June.

IF YOU DON'T CALL WHO WILL – CALL 9-1-1

PUBLIC WORKS DEPARTMENT REPORT

Public Works Status Report – Code Enforcement Officer: Michael E. Callender

	Permits <u>Issued</u>	New <u>Violations</u>	Closed <u>Violations</u>	Building <u>Inspections</u>
June 2023	6	2	0	0

After the Status Report, the following information was presented concerning Town properties:

Monthly Town Council Meeting

July 10, 2023

Meeting Notice Posted: December 15, 2022

Agenda Posted: June 30, 2023

PUBLIC WORKS DEPARTMENT REPORT – “continued”

- **Code Enforcement Properties:**

TOWN of CHESWOLD
P.O. Box 220 – Cheswold, Delaware 19936
Phone: (302) 734-6991 – Fax: (302) 734-1355

- 179 Commerce St. – **PENDING:** The petition granted by the Town of an extension to June 30, 2023, to abate the current state of the property to include demolition of the property; securing the sink hole and maintaining the grasses has passed with no work being done on the property. A representative for the property owners contacted the Town and spoke with the Town Administrator two days prior to the deadline to ask about asbestos removal to which the Town responded that we are not involved in their scheduling conflicts and the representative was informed that our attorney will be informed that no effort to demolish the building has occurred.
- 41 Commerce St. – **CLOSED:** Has completed his cleanup and fulfilled all obligations to the Town.
- **Violations:**
 - 179 Commerce St. (x2)
- **Updates:**
 - Stonington – Construction has been progressing steadily and Ryan Homes is currently building in Phase 5.
- **Public Works:**
 - The work on East Street, being completed by JD Asphalt, Inc. and paid for through the MSA (Municipal Street Aid) Grant is scheduled to begin the week of July 24, 2023.
 - The New Town truck has been received at the Cherry Hill Ford Dealer and is currently being outfitted with its' lights, snowplow, and salt spreader. The old truck will be in for service soon as it is nearly time for the brakes to be replaced as an ABS check light is now showing on the dash and the AC needs a recharge.

Mr. Callender was unable to attend the meeting, however, Mrs. Jones presented his remarks. It was noted that 179 Commerce did not fulfill their obligations and the Town attorney was contacted.

Mr. Hedding, owner of 41 Commerce Street, obliged to the agreement and fines have ceased. Mayor Faronea noted that Mr. Hedding has a car parked along the Railroad tracks. Mrs. Jones informed him that the car is parked within County limits, therefore, the Town is not responsible for handling that specific issue.

Monthly Town Council Meeting
 Meeting Notice Posted: *December 15, 2022*

July 10, 2023
 Agenda Posted: **June 30, 2023**

PUBLIC WORKS DEPARTMENT REPORT – “continued”:

Councilperson Ridgway stated Mr. Heddinge’s neighbor parked a car along the Railroad tracks within Town limits and stated the sign was removed. Mrs. Jones advised Ms. Ridgway to contact McKinney’s towing and she will notify Mr. Callender that the sign will need to be replaced.

PLANNING COMMISSION REPORT - *Land Use Administrator Sam Callender*

Next Meeting: Thursday, July 13, 2023
5:00 p.m.
Cheswold Town Hall
691 Main Street

Ordinances for Review/Vote –Town Administrator Sam Callender

a. Draft Ordinance 05-03-23-071 FARM ANIMALS Within Town Limits

Purpose: The purpose of this ordinance is to clarify and specify the types of animals that are generally known as farm animals and will thus be prohibited from habitation within the corporate limits of the Town and to specify that there are no conditions or situations that will permit the housing, feeding or breeding of such animals within the corporate limits of the Town, other than the exception expressed within this Ordinance in Section 8.

In addition, this ordinance supports and additionally clarifies Article 7. Use Regulations of the Land Use Ordinance Table 7-2 Permitted Uses & Structures which states that Agriculture Related Uses in Zones, R-2, (1 & 2 Family Residential); R-3, (1, 2, 3 Family & Townhouse Residential); R-5, (Age-Defined Residential); C-1, (Neighborhood Commercial) and C-2, (Highway Commercial), are permitted and prohibited in Zones R-1, (Old Town Residential); R-4, (Manufactured Home & Trailer Park); I-1, (Light Industrial) and I-2, (Heavy Residential).

The Land Use Ordinance provides that farms, customary and conventional farming operations including the raising of vegetables, flowers, and horticulture materials not to be construed to include commercial poultry and swine production, cattle feeder lots, and fur bearing animals.

Mrs. Callender stated that she had received a FOIA request informing her that there are also chickens, geese and ducks which reside on the Eddie Evans Farm. The Ordinance was revised to include the location to be exempt. Mayor Faronea asked if the property is zoned as a farm to house farm animals. Mrs. Callender informed him that it is a farm, and the property will be “Grandfathered” in accordance with the Ordinance. Dr. Jarrell asked if he could speak, however, he was informed he would have to hold all

Monthly Town Council Meeting

Meeting Notice Posted: *December 15, 2022*

July 10, 2023

Agenda Posted: June 30, 2023

a. Draft Ordinance 05-03-23-071 FARM ANIMALS Within Town Limits – “continued”

comments until the Community Comments segment of the meeting.

Vice Mayor Amoako stated the Town is unaware of how many residents should be "Grandfathered". Mrs. Callender informed Mr. Amoako of the process of an Ordinance. She also mentioned it is not the Town's responsibility to look for residences that should be "Grandfathered", rather, it is the responsibility of the resident to inform the Town once the notices have been posted.

b. Draft Ordinance 01-07-08-005 Revision #1 – DELETION of Ordinance in Its' Entirety

Purpose: The purpose of this ordinance is to delete the entirety of Ordinance 01-07-08-005 which specified the creation of a trust fund from the proceeds gained from Building Permit surcharge fees, which were to be used to benefit the Capital School District for capital improvements which solely served and benefitted the Town of Cheswold.

The Ordinance was originally written in 2007 to create a Trust fund to be used for the benefit of the Town. There is no record of any Councilmembers' signature on the previously written Ordinance and no action was taken either. Mr. Amoako asked if there are any plans for Capital School District to build a school within the next 10-15 years. Mrs. Callender has not been informed of any plans for a school within Town limits.

c. Draft Ordinance #: 05-04-15-011– RENTAL INSPECTION

It is the intent of the Town of Cheswold to provide rental residents within the Town, the right and opportunity to inhabit environmentally and physically, clean, safe, and healthy living conditions within and immediately surrounding their rental property, through the inspection of those properties and by establishing and ensuring adherence to rules, regulations, processes, policies, fines, penalties, violations, and procedures for the maintenance of such properties. It is additionally the intent of the Town of Cheswold to assist property owners of rental properties and surrounding properties the right and opportunity to maintain and reside in an environment as free of criminal activity as possible, by establishing and enforcing fines, penalties and violations conducted on or in rental properties with or without the knowledge of the property owner.

The health, safety, and welfare of the occupants of leased/rented dwellings are of the utmost importance to the Town, as are the neighborhoods in which these dwellings are located.

Monthly Town Council Meeting
Meeting Notice Posted: *December 15, 2022*

July 10, 2023
Agenda Posted: June 30, 2023

c. Draft Ordinance #: 05-04-15-011– RENTAL INSPECTION – 'continued'.

The Council was informed by Mrs. Callender and Chief Workman that the Ordinance was originally proposed so that renting residents would lose their right to rent dependent on the number of times Police have been called the residence. When the Ordinance was initially created, a letter could be sent to the property owner informing them that they could be held accountable. Since that time, however, the FHA, (Federal Housing Authority), has posed opposition to rental inspection ordinances which result in the loss of housing for tenants as they may have nothing to do with or have little to no control over whatever criminal activity may be occurring on the property. So at the advice of the Town attorney, all references to criminal behavior and activity have been removed from the draft.

ORDINANCES for REVIEW/VOTE – *Town Administrator Sam Callender*

RESOLUTIONS for REVIEW/VOTE – *Town Administrator Sam Callender*

Resolution No.: 06-13-23-111 PROPOSING PUBLIC HEARING

Purpose: To set date, time, and place for a Public Hearing to receive public comment concerning the Annexation of 5673 No. Dupont, Highway, Dover, DE in Accordance with the Town of Cheswold Charter

At June's Council meeting the annexation application was accepted. A motion to approve the Resolution was made by Vice Mayor Amoako and seconded by Councilperson Ridgway. The motion passed unanimously amongst the Council. The Public Hearing is scheduled for August 7, 2023.

Resolution No.: 06-29-23-112 APPLICATION OF ORP1 GRANT

Resolution to approve the grant application for outdoor restoration and trails. The State has grant funds available, however, the application must be submitted with a Resolution stating that the Council approves the 25% match. The grant funds will be used for the Town Park. The only stipulation to the grant is that the Park must be dedicated and remain a park. A motion was made by Vice Mayor Amoako and seconded by Councilperson Moxley. The motion passed unanimously amongst the Council.

Secretary/Treasurer Callender made a motion to amend the agenda to add the Resolution, which was seconded by Vice Mayor Amoako. The motion passed unanimously amongst Council.

Monthly Town Council Meeting
Meeting Notice Posted: *December 15, 2022*

July 10, 2023
Agenda Posted: **June 30, 2023**

PROCLAMATIONS – *Town Administrator Sam Callender*

TOWN of CHESWOLD
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NOTHING TO REPORT

NEW BUSINESS – *Town Administrator Sam Callender*

NOTHING TO REPORT

OLD BUSINESS – *Town Administrator Sam Callender*

TOWN PROJECTS:

- **Status Report from MPO (Metropolitan Planning Organization) – *Town Administrator Sam Callender***

Mrs. Callender stated that she had a meeting with the MPO and informed the Council that it was determined that a walkway is not feasible over Rte. 13. However, sidewalks with ADA compliant crosswalks may be a much better fit for the location. Sidewalks would suit walkers, bike riders, etc. The MPO will investigate placing safer walkway areas at the location. A community gathering will be held to receive feedback about requests and comments on the project. A date/time for the community discussion is to be determined. Mr. Amoako and Mrs. Callender voiced their concerns about the dangers they witnessed regarding the traffic.

- **Proposed Municipal Services Building – *Town Administrator Sam Callender***

Mrs. Callender discussed with the Council that she spoke with Representative Bill Bush who informed her that he was able to get \$500,000.00 approved for the Town's Proposed Municipal Services Building. Mrs. Callender is excited and extremely grateful that the Town has been blessed enough to receive the funds thus far.

- **Tidewater to Old Town – *Town Administrator Sam Callender***

The Easement was signed; Tidewater has approved the layout design and Carroll Engineering is pending approval from Del-to open the street. Once approved, the bid process will begin to find a plumber to complete the project.

Monthly Town Council Meeting
Meeting Notice Posted: *December 15, 2022*

July 10, 2023
Agenda Posted: **June 30, 2023**

OLD BUSINESS – *"continued"*

- **Economic Development Plan/Cheswold Business & Merchants Association –**

TOWN of CHESWOLD
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Vice-Mayor Maxwell Amoako

Vice-Mayor Amoako asked if Ms. Tunnell would provide email addresses for the Town business list that she provided him with several months ago. She agreed to do so for whatever email addresses she has. Mr. Amoako was informed that there are very few businesses that have provided the Town with their email addresses, however, if they are readily available, they will be provided to him.

- **Activities Committee** – *Councilperson Judith Johnson/ Mayor Santo Faronea*
Ms. Tunnell informed the Council that the next meeting will be scheduled via email.

- **Park Committee** – *Town Administrator Sam Callender*

Mrs. Callender informed the Council that a survey that was sent out with the Tax bills, along with a Town Newsletter. Several responses have been returned. Mrs. Callender is very pleased with the outcome thus far. The next Park Committee meeting is scheduled for Tuesday July 25, 2023.

- **Protest Plan Team** – *Chief Chris Workman*

On Hold Until Further Notice

- **American Rescue Plan** - *Town Administrator Sam Callender*

NOTHING TO REPORT

COMMUNITY COMMENTS/CONCERNS –

Dr. Jarrell, owner of Eddie Evans Farm, presented comments on the Draft Ordinance concerning the prohibition of farm animals within Town limits. He stated that someone had provided him with information about the draft. Dr. Jarrell gave background information on the farm, including that it is a 140-acre farm with three (3) homes. His wishes are for the Ordinance to include an acreage or weight guideline. Meaning, those who have a specified amount of land can hold farm

Monthly Town Council Meeting

Meeting Notice Posted: *December 15, 2022*

July 10, 2023

Agenda Posted: June 30, 2023

COMMUNITY COMMENTS/CONCERNS – *“continued”*:

animals within a weight range. Mrs. Callender stated Dr. Jarrell’s requests can be discussed. She also informed Dr. Jarrell on the process of Ordinances and how the Town residents are informed

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and given an opportunity to become "Grandfathered". Mrs. Callender also mentioned that the Town does not have any residential or commercial locations where farm animals could be properly maintained, nor are there plans for farm areas in the Town, as the Town is becoming more Urban/Suburban.

Mr. Amoako stated there may be a way for the Town to zone areas for farmland. Mrs. Callender reiterated that there are no available spaces for farming as the property owners have determined for the most part, what they will be doing with the spaces. None of which include housing farm animals.

Councilperson Amoako additionally stated that the Town is 75% sub-divisions and thus space is insufficient for farm animals thus the Ordinance can revise to restrict farm animals in sub-divisions only. Mrs. Callender stated that Mr. Amoako can revise the Ordinance as he sees fit and it can be discussed again.

COUNCIL MEMBER COMMENTS:

Vice-Mayor Amoako – *No comments.*

Secretary/Treasurer Callender –

Mrs. Callender reiterated that the documents, emails, etc. that are sent to the Mayor and Councilmembers which are marked draft and confidential are expected to be kept confidential until they are finalized to be viewed and discussed by the Public.

Councilperson Johnson – *No comments.*

Councilperson Moxley – *No comments.*

Councilperson Ridgway – Councilperson Ridgway asked who is responsible for picking up trash on Commerce Street along the Railroad. Mrs. Callender informed Ms. Ridgway that it is the Railroad's responsibility to clean the areas, as they do not want anyone on or along their property. Ms. Ridgway asked why the Town placed signs along the Railroad. She was informed by Mrs. Callender that the Railroad permitted the Town to place the signs on their behalf.

Monthly Town Council Meeting

Meeting Notice Posted: *December 15, 2022*

July 10, 2023

Agenda Posted: June 30, 2023

Mayor's Comments:

Mayor Faronea –

Mayor Faronea stated the Camden Rotary will be holding a clean-up event and they will help out with the trash pick-up between August and September.

MOTION to ADJOURN

A motion to adjourn was made by Councilperson Callender and seconded by Councilperson Johnson. The motion passed with a unanimous roll call vote. The meeting was adjourned at 6:29 pm.

29 Del C 10004 Sec. (e) (2)....."The agenda shall be subject to change to include additional items, including executive sessions or the deletion of items, including executive sessions which arise at the time of the public body's meeting".

The Agenda items as listed may not be considered in sequence and/or removed if warranted.

Submitted by: Administrative Assistant Camryn Tunnell – July 20, 2023