

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center
Monday, December 18, 2023

I. CALL MEETING TO ORDER

Meeting was called to order by Mayor Baull at 6:00 p.m.

In attendance were: Mayor Brian Baull, Councilman William Chandler, Councilman Norwood Truitt, Councilwoman Carol Thompson, Councilman Jason Russell, Town Administrator Cynthia Brought, Chief Steven Flood, Town Solicitor Greg Morris and Engineering Consultant Kyle Gulbranson. See sign in sheet for others in attendance.

II. PUBLIC COMMENT

Mayor Baull recognized outgoing Council members, Will Labor and Theresa Ulrich, for their dedication to the Town Council.

Mayor Baull expressed his appreciation for all who were involved in making the 10th Annual Christmas Parade a success.

III. OATH OF OFFICE (Town Solicitor Greg Morris)
Brian Baull, Jason Russell, Carol Thompson

Town Solicitor Greg Morris delivered the Oath of Office to Brian Baull, Jason Russell, and Carol Thompson.

IV. REORGANIZATION OF COUNCIL

a. Mayor

Councilman Truitt made a motion to nominate William Chandler for Mayor. Councilwoman Thompson seconded the motion. All were in favor.

b. Vice-Mayor

Mayor Chandler made a motion to nominate Norwood Truitt for Vice-Mayor. Councilman Baull seconded the motion. All were in favor.

c. Secretary/Treasurer

Councilman Russell made a motion to nominate Brian Baull for Secretary/Treasurer. Mayor Chandler seconded the motion. All were in favor.

d. Assistant Secretary

Mayor Chandler made a motion to nominate Carol Thompson for Assistant Secretary. Councilman Truitt seconded the motion. All were in favor.

V. APPROVAL OF MINUTES

November 20, 2023 Regular Town Council Meeting Minutes

Councilman Russell made a motion to approve the Town Council Minutes as presented. Councilwoman Thompson seconded the motion. All were in favor.

VI. CONSENT AGENDA

a. Police Department Report

Chief Flood stated that they hope to have both new police vehicles back on Dec. 22nd.

Mayor Chandler asked for confirmation that everything is going well with K-9 Buzz. Chief Flood replied, "Everything is going great."

- b. Treasurer's Report**
- c. Administrative Report**
- d. Building Official Report**
- e. Code Enforcement Report**
- f. Meeting Reports**
- g. Water Department Report**
- h. Prince George's Chapel Cemetery Report**
- i. Correspondence**

Town Administrator Brought stated that she would like to discuss the revised proposal from Davis, Bowen & Friedel for drawings and design of the new Police Building and decide if they should move forward with the project.

Mayor Chandler asked for confirmation that this is the proposal for the design phase only. Engineering Consultant Gulbranson replied, "That is correct." Councilman Russell asked if it is common to only receive one bid on a project such as this one. Engineering Consultant Gulbranson stated that it is common due to the labor shortage.

Mayor Chandler stated that if they want to move forward, this seems like the best way to go. Engineering Consultant Gulbranson stated that the RFP was sent out to 4 different firms and was

advertised twice. Councilman Russell asked how they advertised it. Town Administrator Brought stated that the advertisements were in Coastal Point.

Councilwoman Thompson made a motion to move forward with the proposal from Davis, Bowen and Friedel for drawings and design of the new Police Building. Councilman Baull seconded the motion. All were in favor.

Mayor Chandler asked Engineering Consultant Gulbranson if he had gotten any information from surrounding towns on the Cross Connection Ordinance. Engineering Consultant Gulbranson stated that he found several Ordinances that have been adopted by local Towns. He added that he has a draft ordinance that will be sent out to the Council. Town Administrator Brought stated that they need to have a plan in place. Mr. Gulbranson stated that he has examples of a plan that they can use also.

Mayor Chandler stated that Town Administrator Brought was going to reach out to DeIDOT about the street-scaping. Town Administrator Brought replied that she hasn't been able to contact DeIDOT yet. Mayor Chandler stated that Orsted has backed out of the Skipjack Wind Project that they were proposing. Town Administrator Brought replied, "That is correct. It has been cancelled."

Town Administrator Brought stated that they received a quote of \$1000.00 for three rain garden signs. She added that the quote is from Southern Delaware Signs, who originally did the sign at Katie Helm Park. She also stated that she needs the Council's approval to move forward with the signs and feels the rain gardens need to be identified so residents don't think these areas are unkept. Mayor Chandler asked if this quote was for all three signs. Town Administrator Brought stated that it includes all three signs and installation. Councilwoman Thompson asked if they contacted Ad-Art. Engineering Consultant Gulbranson stated that Ad-Art did not respond back to them after they came out to take pictures. Councilwoman Thompson stated that she feels it is critical to have the rain gardens designated because often they are thought of as wild or dead flowers.

Mayor Chandler made a motion to approve the purchase of three signs from Southern Delaware Signs for the rain gardens located in Town. Councilman Baull seconded the motion. All were in favor.

VII. PLANNING AND ZONING COMMISSION REPORT FROM 12/7/23
Recommendation regarding the Clark Associates Rezoning Application
(Kyle Gulbranson)

Engineering Consultant Gulbranson stated that Mr. Clark applied for rezoning, initially for one parcel, and then decided to purchase the adjacent parcel and revised his rezoning request to rezone two parcels. He also stated that one of the parcels is currently zoned commercial and the other residential and both would be rezoned to the Town Center. He added that Mr. Clark is proposing to build a daycare facility with four apartments above it. Initially the plan was to use the existing building but by purchasing the second parcel, Mr. Clark will have more flexibility to develop the property.

Engineering Consultant Gulbranson stated that the Planning Commission recommended approval to the Town Council. He added that if the Council approves the rezoning, next month they would need to have a Public Hearing to modify the Future Land Use Map of the Comp Plan and directly after that have a second Public Hearing for the rezoning.

Mayor Chandler asked, "Is the second property physically connected to property that is already zoned Town Center?" Engineering Consultant Gulbranson replied, "Across the street so it would expand the Town Center District. Mayor Chandler stated that Lingo Street is very narrow and wondered how the daycare traffic would affect that road. Councilwoman Thompson stated that it would be a small daycare center. Councilman Russell stated that Mr. Clark stated that it would accommodate 80 children. Councilwoman Thompson stated that it would have to build up to the maximum amount and wouldn't start off with that number right away. She added that she questioned Mr. Clark about parking, and he stated that with a daycare center it is mostly just dropping off children and wouldn't need a large parking lot.

Engineering Consultant Gulbranson stated that if approved, the next step after the rezoning would be the Site Plan process, where Mr. Clark would need to identify entrances, parking spaces, etc. and then it would come back before the Council again for approval. Councilman Russell asked if the second parcel has already been purchased. Town Administrator Brought stated that Mr. Clark will go to settlement in January. Vice-Mayor Truitt asked what the approximate square footage on the two lots is. Mr. Gulbranson replied, "A little over a half-acre in total."

Town Administrator Brought stated that she received Carol Thompson's resignation from the P & Z Commission. She also stated that Marjorie Eckerd, who had been on P & Z years ago, applied for the position and asked for feedback/possible vote on her application. Mayor Chandler stated that since it was not on the agenda, they are not able to vote on it. Town Administrator Brought stated that she would add it to January's agenda. Mayor Chandler asked if they advertise this type of vacancy. Town Administrator Brought replied, "No," they can list it on Facebook, but she isn't sure how many people look at it. Mayor Chandler asked if it can be put on the Town's website. Town Administrator Brought replied, "Yes, I will have it put on there."

VIII. NEW BUSINESS

a. Clark Associates Rezoning Application/Review/Possible Vote

Councilman Russell made a motion to approve the Clark Associates Rezoning Application. Councilwoman Thompson seconded the motion. Vote was 4-0. Councilman Baull abstained from vote due to a working relationship with Jerry Clark.

b. Sussex Conservation Report #2 – Highlands of Peppers Creek Review

Mayor Chandler stated that Sussex Conservation District has given the Highlands of Pepper's Creek corrective actions that need to be completed. He added that they wouldn't have to follow up on this

since the SCD will follow up on the inspection report. He stated that this report is to keep the Council updated on the progress.

Councilwoman Thompson asked for confirmation that this report is completed to make sure everything is completed correctly as the building and developing is being done and nothing is being violated from the perspective of SCD. Town Administrator Brought replied, "That is correct."

c. Discuss/Review Meeting and Holiday Dates 2024

Town Administrator Brought stated that 2024 is an election year, which is why Election Day and Return's Day are added to the Holiday schedule. All agreed with the Meeting and Holiday dates for 2024.

IX. OLD BUSINESS

**Woodlands of Peppers Creek Report on Punchlist – Site Inspection
November 28, 2023 (Kyle Gulbranson/AECOM)**

Engineering Consultant Gulbranson stated that in November, AECOM Inspector, Adam Marvin, inspected the items on the Woodlands of Peppers Creek punch list that they have been trying to have corrected. He added that a lot of the items have been corrected but there are three items that still need to be corrected which include, the water blowoff on Woods Court, the sidewalks were replaced but with a broom finish instead of a float finish, which may cause the sidewalks to hold water, and there is also a cracked sidewalk that was not corrected. He added that all the streets have been sealed, all new thermoplastic stripes and crossings have been put in, and all other items on the punch list have been completed. Vice-Mayor Truitt asked if there was a reason why the sidewalks were completed with the broom finish. Mr. Gulbranson replied that it was the cheaper way to replace the sidewalks and was completed in one day, without anyone's knowledge that it was being done.

Mayor Chandler asked what the mechanics are on deciding whether this is acceptable or not. Engineering Consultant Gulbranson replied that if the Town decides to accept the roads, which haven't been formally requested by Fernmoor, the Town could accept only the streets from curb to curb and not the sidewalks since they are not acceptable. Mayor Chandler asked if Fernmoor has knowledge of the inspection report. Town Administrator Brought stated that the report was sent to them.

Councilwoman Thompson asked why the Town would accept something that is not fixed correctly. Mr. Gulbranson stated that the Town Code does not specify that the sidewalks must have a float finish, but this is a quality issue. Vice-Mayor Truitt asked if there is any information on how the broom finish sidewalks age. Mr. Gulbranson stated that the reason they were asked

to replace the sidewalks was because of the poor quality/workmanship of the sidewalks. Councilwoman Thompson asked if the current sidewalks are in the same condition as before. Mr. Gulbranson replied that they are a little bit better than the first time. Councilwoman Thompson asked what it would take to complete the sidewalks correctly. Mr. Gulbranson stated, "They would need to tear the sidewalks up and redo them." Mayor Chandler asked, "Tear them out completely or apply another coat to the top?" Mr. Gulbranson replied, "I guess they could apply another coat on them but I'm not sure of what the durability would be." Councilman Russell asked for confirmation that the Town Code does not state what type of finish the sidewalks must have. Mr. Gulbranson replied, "That is correct." Councilman Russell asked if the width of the sidewalks agree with the Town Code. Mr. Gulbranson stated that initially there was a perimeter walking path around the site, but residents did not want that and prior to it being installed, the Town Council met and came up with a compromise for the developer to install the sections of sidewalks. The Code states sidewalks must be 5ft in width and they are only 3ft, which can be used if there are transition zones every 200ft, which there are.

Councilwoman Thompson stated that she feels if the quality of sidewalks is not stated in the Town Code that they need to have it amended. Engineering Consultant Gulbranson stated that with new developments coming in, there will be inspectors on site watching what is being done but no one knew when the sidewalks were being redone at the WPC.

Mayor Chandler stated that Fernmoor will need to be advised of the issues that need to be corrected and once completed, they would be able to request dedication to the Town for the lights and streets. Councilwoman Thompson stated that if the sidewalks aren't fixed properly, then the COA will be required to pay for them to be repaired. Engineering Consultant Gulbranson replied, "Only if the Town chooses not to accept them."

Engineering Consultant Gulbranson stated that is not clear who maintains the sidewalks. Mayor Chandler stated that there is a provision in the Town's Charter that suggests the property owner adjoining the sidewalk is responsible for replacing and maintaining it.

Mayor Chandler asked for thoughts on how to proceed with WPC. Engineering Consultant Gulbranson stated that his recommendation would be to meet with Fernmoor on-site to look at the sidewalks and see if they can come up with a solution. Councilwoman Thompson asked, "What do you think the solution could be?" Mr. Gulbranson replied that they could scrape the sidewalks and lay a new coating of concrete or some type of protective coating.

Sherine High, VP COA of WPC, stated that when the sidewalks were torn out, their irrigation system was also removed, and they have been in contact with Fernmoor about that issue. She also stated that one of the members of the Town Council is also a resident of the WPC and asked that the Council consider the fact that there is a conflict of interest and wasn't sure what the Town's Charter states about recusing oneself from discussions. She added that the COA would like to be present when the Council meets with Fernmoor since they have the issue with the irrigation system and feel they have a common interest with the Town. Mayor Chandler stated that he doesn't think there is anything in the Charter that addresses the need to recuse oneself from a Town Council discussion, but everyone on the Council takes an oath to vote in the best interest of the Town. He added that the next step would be to have AECOM coordinate a meeting with Fernmoor and the COA of WPC to discuss the outstanding items that need to be addressed and then report back to the Council as soon as possible.

X. PUBLIC COMMENT

Sherine High, VP OCA of WPC, stated they have a rain garden that is located next to the park, and are unable to afford the cost of upkeep and was removed from their operating budget this past year. She also stated that it is located right next to the park and if the Town required that it be maintained, then they would need some assistance with the cost. Mayor Chandler stated that he was not familiar with the rain garden and asked if it was in Katie Helm Park. Engineering Consultant Gulbranson stated that there is one Town-maintained rain garden in the park but the area that Sherine High is describing is a pocket of wetlands that is located on the WPC property. Vice-Mayor Truitt asked what type of maintenance is involved with the rain garden. Sherine High replied that the contract includes maintaining it four times a year, which includes removing weeds, and the garden is supposed to populate over time, but they do not have the funds to maintain it.

Sherine High stated that last year she submitted her credentials/letter for the volunteer position on the Planning & Zoning Commission and did not receive a response from the Town and would resubmit her application.

XI. ADJOURNMENT

Councilman Baull made a motion to adjourn. Councilwoman Thompson seconded the motion. All were in favor.

Meeting adjourned at 6:45 p.m.

Respectfully Submitted,
Wendy Rayne, Finance Clerk