

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center
Thursday, March 28, 2024

I. CALL MEETING TO ORDER

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

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

II. PUBLIC COMMENT

No public comment was made.

III. PUBLIC HEARING

**AN ORDINANCE TO AMEND CHAPTER 277 TO THE MUNICIPAL CODE OF THE TOWN
OF DAGSBORO FOR THE PRESERVATION OF TREES, WOODLANDS AND FORESTS WITHIN
THE TOWN**

No public comment was made. Public Hearing was closed.

**AN ORDINANCE TO AMEND CHAPTER 232-2 TO THE MUNICIPAL CODE OF THE TOWN
OF DAGSBORO FOR THE ADOPTION OF TIME RESTRICTIONS FOR THE COMMERCIAL
COLLECTION OF TRASH OR RUBBISH**

No public comment was made. Public Hearing was closed.

IV. APPROVAL OF MINUTES

Approval Town Council Special Meeting Minutes February 8, 2024
Approval Town Council Meeting Minutes February 19, 2024

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

V. CONSENT AGENDA

a. Police Department Report

Chief Flood stated that they had gotten the Ford F-150 truck back, which was being outfitted to be K-9 ready and have all police vehicles back in service now. He added that the State came to complete radio maintenance and will come back in October to complete some other needed maintenance.

He also stated that Cpl. Cullen will be out on medical leave for 4-6 months due to having surgery. He added that one of the surgeries was job-related from when he worked for the Greenwood Police Dept. He added that he had spoken with him, and he is doing well but will need several months to recover.

Town Administrator Brought stated that she sent a Wolferman's Gourmet Bakery package to Cpl. Cullen from the Town. Mayor Chandler thanked her and expressed his concern for a quick recovery.

Mayor Chandler stated that this would leave the Police Department shorthanded. Chief Flood stated that he doesn't anticipate Cpl. Cullen to be back in time for the summer rush but the department is doing the best they can with holidays, vacations and K-9 training but are making it work.

- 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**

Vice-Mayor Truitt asked, "When did the State stop the program where the prisoners would assist with trash removal? Town Administrator Brought replied, "During Covid." Councilman Baull added that it has been at least a couple years. Mayor Chandler stated that when he spoke with the State, they had no intention of restarting the program. Town Administrator Brought added that she thinks they have discontinued the grass cutting program as well.

Councilman Baull made a motion to approve the consent agenda as presented. Councilman Russell seconded the motion. All were in favor.

VI. NEW BUSINESS

- a. Discussion and Possible Vote on an Ordinance Amending Chapter 277, Preservation of Trees, Woodlands and Forests**

Councilman Baull stated that this Ordinance would be to increase the percentages that they already have in place. Mayor Chandler replied, "Yes." Councilman Baull asked what the new percentages were based on. Mayor Chandler stated that the increase was based on an arbitrary percentage increase of 50% of what it was previously from 2007.

Councilwoman Thompson made a motion to approve the Ordinance Amending Chapter 277, Preservation of Trees, Woodlands, and Forests. Vice-Mayor Truitt seconded the motion. All were in favor. The vote was 5-0 in favor.

b. Discussion and Possible Vote on an Ordinance Amending Chapter 232-2, Adding Time Restrictions For The Commercial Collection of Trash or Rubbish

Vice-Mayor Truitt stated that with this Ordinance, trash pick-up would not be allowed before 7am or after 7pm. Mayor Chandler replied, "That is correct", and asked for confirmation that fines and penalties are already listed in the current Ordinance for any violations. Town Solicitor Morris replied, "Yes, there is."

Vice-Mayor Truitt made a motion to approve the Ordinance amending Chapter 232-2, adding time restrictions for the commercial collection of trash or rubbish. Councilman Baull seconded the motion. All were in favor. The vote was 5-0 in favor.

c. HydroCorp Plan and Ordinance – Public Hearing April 2024 for Ordinance & Possible Adoption of Plan

Mayor Chandler stated that they discussed the HydroCorp Plan and Ordinance at the February 19th Council meeting and this a requirement imposed on all towns by the State of Delaware. The Cross-Connection Control Plan is designed to prevent hazardous materials getting into the water supply. The contract will include both commercial and residential but will focus on the commercial properties first due to the order of importance. HydroCorp will begin with an educational campaign for all residents to make them aware of what to expect.

Mayor Chandler also stated that they will need to adopt an Ordinance at their next Council meeting and to have time to advertise for the Public Hearing, they would need to postpone their April Council meeting. He added that if they postpone the Council meeting by one week, that will give them the time needed.

Everyone agreed to move the April Town Council Meeting from April 15th to April 22, 2024.

Town Administrator Brought stated that inspections were supposed to begin in May, but she felt that was too soon since the Ordinance won't be adopted until April and the residents must be educated before the inspections begin. HydroCorp plans to start inspections in June/July. She added that they have sent HydroCorp a spreadsheet with all the customers/types of business in Town.

Town Solicitor Morris asked for confirmation that the draft Ordinance that he submitted only needed one small change to it and nothing else needs to be done. Town Administrator Brought replied, "Yes, that is correct."

Councilman Russell stated that his only concern is that the lead and copper regulations are not included in this plan. Town Administrator Brought stated that lead and copper are separate and needs to be completed by October, so they need to focus on this part first. She added that when HydroCorp completes the inspections, they will note in their inspection report if they find any lead pipes.

Vice-Mayor Truitt asked what happens if a resident has lead pipes. Town Administrator Brought stated that they would need to be replaced, at the owner's expense, and the Town will follow up to make sure it's compliant.

Councilman Baull made a motion to approve the proposed Ordinance and hold a Public Hearing that would be advertised. Councilwoman Thompson seconded the motion. All were in favor. The vote was 5-0.

d. P & Z Applications review and decision on New Appointment

Mayor Chandler stated that they have one vacancy on the P & Z Commission and two vacancies on the Board of Adjustment. He also stated that they received four applications for the P & Z vacancy, and each of them are qualified for the position. He added that the Town Code states that the mayor is responsible for appointing someone to the P & Z Commission, but he wanted the rest of the Council's consent before he does.

Mayor Chandler stated that former Council member Will Labor was a member of the Council for two years and knows the Code and feels like he would be an asset to the P & Z Commission. He added that his recommendation would be to appoint Will Labor to fill the position, but only if he has the backing of the rest of the Council. Councilman Baull stated that he feels Will would be an excellent choice because he is very bright and knowledgeable from his time on the Council.

Councilwoman Thompson made a motion to appoint Will Labor to the P & Z Commission. Councilman Baull seconded the motion. All were in favor. The vote was 5-0.

Mayor Chandler stated that he is hopeful that the other applicants would be willing to consider serving on the Board of Adjustment since they have 2 vacant seats. He added that the BOA meets infrequently but occasionally someone will seek a variance because of a difficulty in developing their property the way they would like to.

Sherine High, one of the applicants, stated that she would like to see a description for the BOA to make sure she meets the expectations. She added that she is interested in serving and would be interested. Town Administrator Brought stated that she would notify everyone that applied as to the choice that was made for P & Z and advise them that there are openings on the BOA, if they are interested.

**e. Discussion on revisions to Comprehensive Plan – Possible Workshop
With Planning & Zoning to start re-working the Plan**

Mayor Chandler stated that the Comprehensive Plan was last adopted in 2019 and it must be reviewed, revised, and re-adopted every 5 years. Town Administrator Brought stated that they need to get started soon because if any changes are made, her and Engineering Consultant Gulbranson would have to go to Dover and have a discussion and receive approval on it. She added that it is a lot of work and hoped that the P & Z Commission and the Town Council could have a special workshop together and discuss what changes anyone would like to see made. She added that AECOM usually sends out a survey to the Town to see if they agree and it is included also.

Mayor Chandler stated having a Special Workshop is a great idea to have everyone meet at the same time and it would also be advertised to the public so they could get feedback from the residents of Dagsboro also.

Councilwoman Thompson asked what would be discussed at the workshop. Town Administrator Brought stated that AECOM would lead the workshop, but everyone should be prepared to discuss changes that they would like to see made in the current plan. She added that any changes would have to be approved by the State.

Town Administrator Brought stated that P & Z hasn't met in a while, and they could possibly schedule it for their regular meeting time in May. She added that she would reach out to everyone and schedule an exact date.

f. Town Administrator Annual Contract

Mayor Chandler stated that Town Administrator's contract must be renewed each year. Councilman Baull stated that in his experience, Town Administrator Brought has been a delight to work with and is knowledgeable and experienced as Town Administrator.

Councilman Baull stated that her contract should be renewed. All were in favor.

VII. OLD BUSINESS

a. Wisner Property Update

Mayor Chandler stated that he spoke with the Wisner family and was able to negotiate a price that was \$80K less than their previous contract on the property. He also stated that he drafted the contract, and the Wisner family representatives have all signed it. He added that Attorney Robbie Robinson will be handling the settlement for the Town and will try to expedite the settlement/closing.

Mayor Chandler recommended that Town Administrator Brought begin reaching out to contractors that they will need for repairs including siding, electrical, plumbing and water. He added that they can be

lined up to work but can't begin until after settlement. Town Administrator Brought stated that she has reached out to a couple of contractors, but they will need access to the building. Mayor Chandler stated that he would reach out to the owners and see if they are willing to give them a key before settlement.

Councilman Baull asked if the building was in good enough shape to keep vs tearing it down. Mayor Chandler stated that AECOM came to do their inspection and stated that structurally the building is in good shape but does have some utility issues that need to be corrected.

Mayor Baull stated that they need to think about landscaping around the building. Town Administrator Brought added that they also need to discuss expanding the parking and entrance/exit for the new facility.

b. Update Woodlands of Pepper's Creek

Town Administrator Brought stated that Town Solicitor Morris plans to speak with Fernmoor's General Counsel. She also stated that Fernmoor is aware of what the Town is willing/not willing to do and about the 2-year maintenance agreement on the roads. She added that she received a years' worth of the WPC electric bills so they would have an idea of what the additional electricity bills will be for the Town. Mayor Chandler stated that at some point, the electric bills will be switched over to the Town of Dagsboro.

Town Administrator Brought added that Fernmoor has agreed to attend the April 22nd Town Council meeting.

c. Update Highlands Pepper's Creek Construction/Sussex Conservation Reports/Meeting

Mayor Chandler stated that during the on-site meeting at the Highlands of Pepper's Creek, they observed numerous non-compliant issues that exist on the property. The developer, Bobby Horsey, has agreed to correct all the issues that are non-complaint and some of the issues had already been fixed before the meeting. Bobby Horsey explained that a lot of the issues were because of the weather which had made it difficult to complete things the way they need to be. Mayor Chandler added that the Tax Ditch Managers were there and were satisfied with the way the tax ditch issues were being completed. He added that the project is more compliant currently and the developers are committed to bringing it up to full compliance.

Mayor Chandler added that he intends to verify with Mr. Horsey that all the contractors working on the project have a Town of Dagsboro business license.

d. Update New Construction Police Department/Meeting Room/Town Hall

Chief Flood stated that the current floor plan is close to the layout that they have envisioned but there are still a few changes they want to make. He added that they want to be 100% satisfied before presenting the final floor plan.

Town Administrator Brought stated that she requested \$1M from the State Bond Bill this year and if approved that would give the Town close to 3 million for the new facility. She added that Engineering Consultant Gulbranson estimated that it will take 1.5 years for construction to be completed and feels that the total cost will be closer to 5-6 million.

Councilman Baull asked what the cost of the Town of Millsboro's new police station was. Chief Flood stated that it started at 5 million, but the total cost was just over 9 million.

Town Administrator Brought stated that hopefully the University of Delaware Grants can help with funding the infrastructure and the office spaces.

VIII. PUBLIC COMMENT

Sherine High, of 29182 Shady Creek Lane, asked if there is a way that the Woodlands of Peppers Creek can send something to Cpl. Cullen. Chief Flood stated that the best way would be to bring it to the Town Hall, and they will make sure that Cpl. Cullen receives it.

Sherine High asked if the Board of Adjustment would also be included in the workshop that discusses the Comprehensive Plan. Mayor Chandler and Town Administrator replied that everyone would be invited.

Ms. High stated that the white house, that is next to the property the Town is purchasing, has dead mice in the grass and on the porch and asked if there is anything that can be done about it.

Mayor Chandler asked what the status was on that property because he thought it had been condemned. Town Administrator Brought stated that before her employment with the Town, it had been condemned but the owner removed all the signs. She added that the County looked at it at one point and felt that it had improved. She added that they need to have it looked at again because she has noticed a lot of structural issues on the property.

Councilman Baull announced that the Easter Egg Hunt would be on Saturday at the Dagsboro Fire Hall and invited everyone to come out to support it. He added that registration begins at 10am and there will be 4 separate egg hunts based on ages up to 12 and there will be lots of prizes given away. He added that the Easter Bunny and the Chick-Fila cow will be making an appearance.

Councilman Baull stated that this Council meeting would be his last as he is stepping down due to personal reasons. He added that it has been an honor and privilege to serve the residents of Dagsboro. He also stated that everyone at the Town Hall/Police Department does an amazing job and that he appreciates everything they do. He expressed his appreciation to Mayor Chandler and Vice-Mayor Truitt for all their help and guidance.

On behalf of everyone, Mayor Chandler expressed his appreciation to Brian Baull for all his hard work and for everything he has done for the Town of Dagsboro.

IX. ADJOURNMENT

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

Meeting adjourned at 6:45p.m.

Respectfully Submitted,
Wendy Rayne, Finance Clerk