



Townsend Town Council Special Meeting Minutes
September 20th, 2023 @ 7:00 pm
VIA CONFERENCE CALL &
Town Hall
141 Main St, Townsend, DE 19734

7:00 pm Town Council Special Meeting

- I. Call to Order: 7:00 pm.
- II. Opening Ceremonies
 - A. Roll Call: Mayor S. Lobdell, Councilman M. Chapman, Councilman J. Bangura, Councilman J. Mertz, Councilman M. Suhr, Town Manager A. Tantillo, Town Solicitor L. Hatfield, and Town Clerk M. Rivera.
 - B. Pledge of Allegiance: All present recited the Pledge of Allegiance.
 - C. Recognition of Visitors:
 1. Mayor Lobdell recognized all visitors present as reflected on the sign in sheet and via zoom: Dwain Haines.
 - D. Announcements:
 1. CM Mertz announced there will be an event at the library in Odessa on Thursday, 10/26/2023 to raise interest to expand the library and has requested support from the Council of local municipalities.
- III. General Citizen Comments
 - A. None.
- IV. Review/Adoption of Agenda
 - A. None.
 - B. *CM Bangura made a motion to adopt the agenda. CM Chapman seconded the motion. Voice vote of Council: all yea's.*
 1. Council adopted the agenda.
- V. ***ACTION ITEM:** Discussion and possible vote of Ordinance 2023-001 an Ordinance to Provide for the Quality of Outdoor Night Lighting to Conserve Energy, Reduce Light Pollution, and Improve Safety by Light Direction.
 - A. TM Tantillo advised item 4.h. was removed and additional verbiage was added to 4.a. based on TS Hatfield's recommendations.
 1. TM Tantillo provided a reading of the previous item removed 4.h. and the new verbiage of 4.a.
 - B. TS Hatfield clarified light fixtures may be grandfathered, however the regulations around it may not; for example, a light bulb may be changed, or a shield may be required. TS Hatfield advised it may be best to extend the compliance deadline to allow constituents time to comply.

- C. Council discussed how to clarify grandfathered terms in the ordinance, whereas any minor items such as light bulbs must be brought to compliance even if installed prior to the effective date of the ordinance.
1. TS Hatfield suggested for Council to provide a 60-day deadline to comply with the ordinance.
 2. CM Suhr noted a clerical change to be made to item c.1. and c.2.; remove the parenthetical number listed after c.1. and c.2. from the beginning of each item sentence. CM Suhr suggested an additional call out be made for any outdoor lighting already installed to be in compliance with an ordinance item such as c.4.b., light shields, within c.2.. Council discussed including c.4.e. and c.4.i. as compliance requirements. TS Hatfield suggested verbiage for the call out.
 3. TS Hatfield advised instead of to add the verbiage to c.4..
 - a. CM Mertz suggested the following verbiage for a new c.4.a., “All outdoor lighting must comply with these standards. 4.b., 4.e., and 4.i. must be in compliance within 60 days from the date of passage.”
- D. CM Suhr noted c.4.e. may not be a residential item such as streetlights; and if it should be removed from the ordinance. Additionally, should street lighting c.4.i. be removed from the ordinance.
1. CM Mertz noted c.4.e. is a new addition. TC Rivera advised the Planning Commission discussed the parking lights at LifeHouse Church have on and off switches. TS Hatfield noted complaints could have been received for lights being left on overnight until dawn. TM Tantillo clarified there have been no complaints received by the lights at Lighthouse Church. Additionally, there are residential properties by commercial properties which may have been why this was added.
- E. CM Bangura made a motion to table the discussion to discuss at a future date meticulously. Motion failed.
- F. CM Bangura made a motion for suggestions made by CM Mertz to be made. CM Chapman agreed, however replace c.4.i. with c.4.g.. Motion failed.
- G. CM Mertz suggested striking c.4.h. and c.4.j., noting it is not clear what the recommendations are. Mayor Lobdell noted these are national standards and is similar to adopting the ICC Building Code. Majority of Council expressed concern of accessibility of constituents to the published recommendations. Council discussed restricting published recommendations to non-residential properties.
- H. *CM Mertz made a motion to insert into above section c.4.a., as a new item c.4.a. to be written as follows, “All outdoor lighting must comply with these standards. 4.b., 4.e., and 4.g. must be in compliance within 60 days from the date of passage.”. CM Chapman seconded the motion.*
1. Roll Call Vote of Council: CM Bangura – yea, CM Chapman – yea, CM Mertz – yea, CM Suhr – yea, and Mayor Lobdell – yea.
 - a. CM Mertz noted for the Town Clerk to update the lettering for the ordinance.
 - b. Council added item c.4.a., “All outdoor lighting must comply with these standards. 4.c., 4.f., and 4.h. must be in compliance within 60 days from the date of passage.”

- I. *CM Chapman made a motion to revise standard c.4.e to read as follows, "Light pollution and trespass shall not exceed 0.05 foot candles. CM Bangura seconded the motion.*
 1. Roll Call Vote of Council: CM Bangura – yea, CM Chapman – yea, CM Mertz – yea, CM Suhr – yea, and Mayor Lobdell – yea.
 - a. Council struck "light candles" and replaced with "foot candles" from standard c.4.e..
- J. *CM Mertz made a motion to strike Section 1.c.4.h. and 4.j. from the ordinance. CM Suhr seconded the motion.*
 1. Discussion:
 - a. CM Bangura expressed concern with removing a provision that all municipalities accept.
 - b. TM Tantillo noted these regulations will be purchased for the Town's reference upon ordinance passage.
 2. Roll Call Vote of Council: CM Bangura – abstained, CM Chapman – no, CM Mertz – yea, CM Suhr – yea, and Mayor Lobdell – no.
 3. Motion failed.
- K. Council discussed the possibility of restricting the recommendations of c.4.h. and c.4.j. to builders, architects, and engineers in non-residential districts. CM Mertz suggested moving c.4.h. and c.4.j. as verbiage to follow section titled "For commercial, business, industrial and natural resource zones and any roadway adjacent to residential zones..." under c.4.. TE Van-Otoo recreation areas will need to be included. TM Tantillo confirmed that the Town does have a copy of the ICC on hand and that should a resident request a copy, they can receive it.
- L. *CM Mertz made a motion to change the effective date to the provisions of this ordinance are hereby ordered to take effect 60 days following the publication to the Town of Townsend website. CM Chapman seconded the motion.*
 1. Roll Call Vote of Council: CM Bangura – yea, CM Chapman – yea, CM Mertz – yea, CM Suhr – yea, and Mayor Lobdell – yea.
 2. Council changed the effective of the ordinance to 60 days following publication to the Town of Townsend website.
- M. TS Hatfield confirmed all changes are minor, no additional public hearing is needed as a public hearing was already held.
- N. *CM Chapman made a motion to approve motioned to approve Ordinance 2023-001 with the changes made. CM Bangura seconded the motion.*
 - a. No public comment.
 - b. Roll Call Vote of Council: CM Bangura – yea, CM Chapman – yea, CM Mertz – yea, CM Suhr – yea, and Mayor Lobdell – yea.
 - c. Council approved Ordinance 2023-001 an Ordinance to Provide for the Quality of Outdoor Night Lighting to Conserve Energy, Reduce Light Pollution, and Improve Safety by Light Direction, as amended.
- O. *CM Chapman made a motion to discuss ARPA projects before town goals. CM Bangura seconded. Voice vote of all Council: yea's – CM Mertz abstained, CM Suhr – no.*
 1. Council amended the agenda to move forward with discussion of ARPA projects before town goals.

VI. Discussion regarding ARPA projects.

- A. TM Tantillo reminded Council of the total remaining funds. TM Tantillo explained no decision should be made during this meeting and that the purpose of the agenda item is to continue the discussion of ARPA. TM Tantillo requests to use ARPA funds towards the following project items. TM Tantillo confirmed ARPA funds must be assigned by 2024 and spent by 2026:
1. Pole Barn for the Public Works Department – High importance. The facility will be used for the Public Works Department work and storage of equipment. Discussions have been held regarding various locations for the Pole Barn; 200 Finley Street has been identified as a prospective location as it is a Town owned parcel. TE Van-Otoo is working on approval to move the wetlands to provide adequate space for the Pole Barn. ARPA funds in the amount of \$54,000.00 has already been designated to engineering design services. A request for an additional \$100,000.00 to build and outfit the pole barn was made.
 2. Community Center – TM Tantillo proposed placement at the newly acquired parcel, 201 Main Street. Possible uses may include: larger space for Council meetings, youth services, recreational activities, hall rental, and business spaces for rent.
 3. Town Park expansion – there are two parcels near the park that may be used to provide an additional entrance, install expanded trails, and a Town pool. TM Tantillo noted there are grants available and applied for to acquire the land.
- B. TM noted the survey gathered the following responses: 94 total, each respondent had the opportunity to select more than one option listed on the survey:
1. Community center – 34 %
 2. Community Pool – 70%
 3. Park – 32%
 4. Mixed use community/business space. 20%
- C. Council discussed the following:
1. Public Works Pole Barn site – TE Van-Otoo to provide a sketch plan of the Pole Barn site.
 2. Town beautification – examples include trees, sidewalks, street curbs. TM Tantillo noted there are grants available and applied for to address the noted concerns.
 3. Community pool – to provide a service to residents and to also generate additional revenues for the Town to provide services.
 4. Community center.
- D. Council to further explore the following project possibilities:
1. Trees – preliminary quotes needed.
 2. Community pools – preliminary quotes needed.
 3. Community center – TM Tantillo to provide various layouts/ types of community center building options.
- E. *CM Mertz made a motion to recess for 5 minutes. CM Chapman seconded. Voice vote of Council: all yea's.*
1. Council recessed meeting at approximately 8:50 pm.

- VII. ACTION ITEM:** Discussion and possible vote on Town goals.
- A. *CM Suhr made a motion to table discussion for the next regular council meeting, with the plan to have the HR Committee to review information for Council goals and evaluate the Town's Comprehensive Plan to structure future goals conversation. CM Chapman seconded.*
1. Discussion:
 - a. CM Mertz noted the HR Committee requested all of Council to send their goals to them. CM Suhr explained responses were received but is unable to confirm if everyone has submitted a goal.
 - b. CM Suhr explained the motion is to have Council submit their ideas as an objective under a Comprehensive Plan goal. Noting, there may be overlap of an objective that would apply to each goal in the Comprehensive Plan. Furthermore, this will provide a framework for the meeting.
 2. Voice vote: All yea's.
- VIII.** Recess Council Meeting to Convene Executive Session.
- A. *CM Chapman made a motion to recess to executive session in accordance with the agenda. CM Bangura seconded the motion. Voice vote of Council: all yea's.*
1. Council recessed and convened into executive session at approximately 9:12 pm.
- IX. Convene Executive Session:** Pursuant to 29 Del. C. §§10004(b)(2) and (4), the Town Council will consider a motion to meet in executive session for a strategy session, which will include legal advice or opinions from an attorney-at-law, with respect to potential litigation, as well as discussions that may have an adverse effect on the bargaining or litigation position of the Town.
- X.** Close Executive Session & Re-convene Council Meeting.
1. Council reconvened meeting at 9:52 pm.
- XI. ACTION ITEM:** Possible vote of Council.
- XII.** Adjournment.

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- A. *CM Chapman made a motion to adjourn the meeting. CM Bangura seconded the motion. Voice vote of Council: all yea's. Voice vote of Council: all yea's.*
1. Council adjourned the meeting at 9:53 pm.
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