

**MINUTES OF MEETING**  
**DAGSBORO TOWN COUNCIL**  
**BETHEL CENTER – 28307 CLAYTON STREET**  
**MONDAY –FEBRUARY 24, 2014**

**Call Meeting to Order:** 6p.m. A motion was made by Councilwoman Eckerd to enter into Executive Session and seconded by Vice-Mayor Truitt. All in favor. Motion carried. A motion was made by Vice-Mayor Truitt to retire from Executive Session and seconded by Councilman Baull. All in favor. Motion carried.

**Regular Session:** The regular meeting of the Town Council was called to order at 7p.m. by Brad Connor, Mayor. Those in attendance were Mayor Connor, Stacey Long, Town Administrator; Vice Mayor Truitt, Councilwoman Ulrich, Councilwoman Eckerd, Councilman Baull, Chief Toomey of Dagsboro PD, Kyle Gulbranson of URS, Attorney Rob Witsil Jr. and others as listed on the sign in sheet.

**Approval of Minutes:**

A motion was made by Councilwoman Eckerd to approve the minutes of the January 27, 2014 meeting and it was seconded by Councilman Baull. All in favor. Motion carried.

**PUBLIC HEARING AND VOTE:** To amend Chapter 1 of the Dagsboro Code entitled “General Provisions” to add Article II, entitled “Civil Penalties for Violation”; to amend the penalties enumerated and specified in Chapter 61-2 animals; Chapter 75-11(A) building construction; Chapter 110-5 firearms; Chapter 118-23 floodplain management; Chapter 146-14 licensing; Chapter 173-6 (A) noise; Chapter 210-3 property management; Chapter 232-3 solid waste; Chapter 238-11(C)&(D) subdivision, water, zoning, buffers, landscape screening; Chapter 267-21 (D) woodland preservation. There would be no changes to the existing criminal offenses, but Attorney Witsil did suggest adding an amendment to include Chapter 243-8 covering taxation. Attorney Witsil stated that the town had been working in this direction for almost a year and a half. Vice-Mayor Truitt wanted to clarify that it will be a civil offense with a fine and no incarceration or code violations. Councilwoman Eckerd questioned as to whether or not this ordinance included abandoned buildings and it was confirmed that it does. There was no one present to speak either in favor or in opposition to the ordinance change, so a motion was made by Vice-Mayor Truitt to adopt the amendment to the General Code with the addition of Chapter 243-8 for taxation, seconded by Councilman Baull. All in favor. Motion carried.

**New Business:**

1. Consideration of request for sign variance for Indian River High School property: Ruth Ann Marvel of the IRHSAA presented a site plan with the approximate location of the sign and stated that the Alumni Association had been in contact with the surrounding homeowners and no one had voiced any opposition to the sign and the only response that had been received at Town Hall was a positive one from someone who owns a number of vacant lots in the development stating that he was in favor of the sign being placed there. It was stated again that the sign is 10x14 and would be placed on a 2 foot mound making it 10x16. The

name and Indian Head portion of the sign will stay lit continuously but the LED portion will be turned off at night when the lights in the parking lot go out. Attorney Witsil commented that the council needs to adopt the exemption status of Chapter 275-7 that states government, educational, fire departments, post offices or any other public or semi-public building are exempt from the zoning restrictions. A motion was made by Vice-Mayor Truitt to adopt the exemption in Chapter 275-7 contingent upon LED portion of the sign being visible at night only as long as the lights are on in the parking lot and seconded by Councilman Baull. All in favor. Motion carried.

2. Consideration of issuing letters/certificates of appreciation for Janet Skibicki and Rob Colone for their community service: Councilman Baull had asked that Skibicki and Colone be given certificates of appreciation at next month's council meeting. A motion was made by Councilman Baull to invite Skibicki and Colone to next month's council meeting to present them with certificates of appreciation for their community service and seconded by Councilwoman Eckerd. All in favor. Motion carried.
3. Consideration of MOU with Sussex Community Corrections Center for Town grass cuttings and for Prince George's Chapel Cemetery: After discussion relating to the prices quoted in past years from outside contractors that were always drastically higher \$600.00 is the Sussex County Community Corrections bid per cut for the Town and \$2,500.00 for the entire season for the cemetery. Since it costs less than \$10,000.00 per fiscal year according to Attorney Witsil eliminates the need to have the contracts put out for bid. A motion was made by Councilwoman Eckerd to accept the MOU with Sussex County Community Corrections for the Town and seconded by Vice-Mayor Truitt. A motion was made by Councilwoman Eckerd to likewise accept the MOU with Sussex County Community Corrections for Prince George's Cemetery and seconded by Councilman Baull. All in favor. Motion carried.
4. Consideration of scheduling a Council workshop in March: It was determined that a workshop for March was not needed.
5. Consideration of continuing contract with RJ Stancliff & Associates for the web design and maintenance services for the town's website: Stacey provided copies of the proposed contract to all councilmembers and stated that the website receives approximately 15 hits a day and that there had been no increase in price from the previous contract the total is \$762 of which \$275 is for unlimited maintenance and updating the information, \$455 is for the host server and \$16 is for the domain name. The question was asked as to why we use someone in South Carolina and it was explained that the provider had just recently move and we would like to continue with that provider for the time being. A motion was made by Vice-Mayor Truitt to continue the contract with RJ Stancliff for of website services for the town, seconded by Councilwoman Ulrich.
6. Consideration of amending Town water specifications to require installation of check valves for certain commercial applications: Kyle Gulbranson of URS explained to the council that the 4 buildings out at Savannah Square had water meters for each individual tenant and several of the low usage tenants had actually been having negative readings on their meters. There is also the risk of possible contamination from water moving between units. The installation of check valves at the entrance to each building would eliminate water back flowing from a particular unit due to higher demand in another unit in the same building. The check valves have been installed by the town at a cost of \$1,450.00 so this will no longer be an issue. In the future however any new commercial building with multi units will be required to install this check valve at the main water entrance of their property. The state of Delaware water code does not require the installation of check valves on commercial properties. The Office of Drinking Water has been contacted and is considering making a recommendation that this be

amended in the state water code. This would not increase the cost of the Impact Fees it would only be an addition to the specification of the code regarding installation. The tenants at the Savannah Square property are billed individually for water but at the Clayton Crossing property there is only 1 bill sent and the owner divides it and bills his tenants. A motion was made by Councilwoman Eckerd to amend the Town Water Code to include the installation of check valves in any new commercial multiple unit structure and seconded by Vice-Mayor Truitt. All in favor. Motion carried.

7. Consideration of voting on any matters discussed in Executive Session: There was nothing to vote on from Executive Session at this time.

#### Old Business:

1. Update on establishing a Facebook and Twitter page for the Town: Councilman Baull stated that he had received information from Ocean City regarding their policy on social media as it relates to posting information, comments and monitoring of the site. Stacey said she is in the process of collecting information from other towns as well so that we have a broad base to examine and build a program specifically for the our town. Since the town is still in the collection process this discussion will be tabled until next month's meeting.
2. Update on organizing a Town Christmas Parade: Stacey commented that she has been in contact with other towns in the area and is receiving information from them as to how they handle this process. In some towns the town promotes the parade and in other towns the fire department promotes the event. Councilman Baull commented that he has spoken with Amy Simmons of the Millsboro Chamber, she is the organizer for their parade and she stated that she would be more than willing to assist us in any way she could. Stacey is also contacting Bob Dickerson from Selbyville to obtain information from him regarding their process. There was a question from the audience as to what the route would be for the parade and that has yet to be determined. Before the first actual committee meeting Gary Cox who was in audience made the comment that he and Al Townsend would like to be present at the Christmas Parade committee meetings to provide input and possible support for this project as they always like parades and could help with staging and such.

#### Police Department:

1. Presentation of Police Report: Chief Toomey presented the monthly highlights for the department noting that there were 58 traffic arrests, 6 criminal arrests, with 467 total man hours and of those hours 225 were patrol and 76 were investigative. The Sgt. Litten has just attended Phase 3 of the Law Enforcement Executive Development Association Course, which is the final phase and is now a graduate of that nationally recognized course. Cpl. Ober while on a traffic stop apprehended a subject who was a passenger in the vehicle was wanted by 3 courts and 2 different agencies, was taken into custody. Ofc. Kurten, our part-time officer has recently accepted a position with Delaware Capitol Police, he will be based out of Georgetown working the day shift with nights, holidays and weekends off, he would like to continue here but it not sure exactly sure how this will work out yet. Rec. Paskey is almost finished at the Academy and will graduate on March 7, 2014 and will begin his field training program with the department. Sgt. Litten has been promoted to the rank of Staff Sgt. Within the department.

#### Administrative/Financial/Code Enforcement:

1. **Presentation of Administrative Report:** Stacey provided an update on the Clayton Theatre Digital Conversion and reported that enough money was raised in order to accomplish the conversion. The equipment was ordered in February and should be installed by the end of March. There are still enough good movies that were done on film in 2013 that there should be no shortage of new films to show during this time. Classic movie night is still Monday at 7 p.m. with all seats \$4.00. The book on the history of the theatre by Sandi Gerken was a complete success selling just under 350 copies. Stacey gave an update on the TNR program as well. She is still playing phone tag with Susan Coleman, Director of the Cat Coalition, hopefully she will be at the March meeting to explain the program and grant information. Marjie Eckerd has been in contact with Andrew Beebe from the Cripple Creek Country Club about hosting the June SCAT meeting there. She will be meeting with him on March 1, 2014
2. **Presentation of Treasurer's Report:** General checking \$122,465.69, Public Service money market \$11,458.39, Police Grant \$2,351.49, Police money market \$6,002.53, Property Transfer \$57,594.31, 3 CD'S \$28,051.69, \$47,758.25 and \$5,148.38. MSA checking \$3,483.11 savings \$6,009.88. PGCC checking \$609.77, savings \$3,768.47, 3 CD's \$32,693.51, \$44,672.84 and \$32,055.74. SALLE/EIDE Overtime grant the Balance sheet is provided and the money for this year has been applied for and should be received shortly according to Chief Toomey. Water checking \$51,806.13, Impact Fees \$203,097.13 and Reserve \$35,784.02. Check details are provided for all accounts in the packets of the council members. Councilwoman Eckerd had a question about the status of liability insurance as far as workman compensation claims are concerned and if we have any open claims and what is the amount. Stacey presented the information regarding the request from Councilwoman Eckerd. The town is not paying anyone directly. The original amount set aside by the insurance company for the open claim was \$500,000.00, to this point payments have been disbursed of \$267,597.68 for medical expenses, \$94,990.63 for temporary total disability and for litigation \$29,594.60 and \$5,330.47. There are funds in reserve of \$61,487.00 medical, \$46,620.00 permanent partial disability, \$99,840.00 temporary partial disability, \$11,795 temporary total disability and \$5,000.00 vocational rehabilitation. The direct result to the town from this claim has resulted in an increase in premium of \$3,800.00 from 2009 through 2012 and a loss of credit modifications from \$100.00 to \$300.00 yearly as well. This could go on until all the money set aside has been exhausted. Attorney Witsil commented that the insurance company can petition to terminate the claim if sufficient evidence is found, but in the end the result is the town pays the premium and the rest is in the control of the insurance company.
3. **Presentation of Building Official & Code Enforcement Report:** A certificate of completion to replace roofing, siding and a 24x24 pole building on Piney Neck Road, and a building permit for siding, shutters, front door and garage door on Cannon Street. On December 5, 2014 an exterior property inspection was done at 33102 and 33108 Main Street as requested by the council. A violation letter has been submitted to the town and Attorney Witsil along with the inspection report that was done by URS and Attorney Witsil will begin preparing the litigation documents. The interior inspection still needs to be done, which will be the same as the interior inspection done at the King property. Attorney Witsil would like to begin preparation of the violation documents for the owner so that the council will have them for review at the next meeting this way they will have full understanding of the violations for this property. Based upon the deteriorating condition of the property in question a motion was made by Councilwoman Eckerd to have Attorney Witsil begin preparation of the litigation documents for 33102 and 33108 Main Street, based upon the URS preliminary report in advance of next month's council meeting and seconded by Vice-Mayor Truitt. All in favor. Motion carried.

4. **Correspondence:** There is a letter and information packet from Maxwell & Associates, Mr. Maxwell is a SCAT lobbyist. A Thank you letter from Matthew Janis, Assistant Scout Master of Troop #382, thanking the town for allowing them access at the January 27, 2014 meeting, with an offer to perform community service for the town on any projects that might arise and extending an invitation to the council to attend any of their meetings. A thank you card from Patti Adams for the plaque she received for service on the council.

**Water Department:**

1. **Presentation of Water Report:** On February 3, 2014 Mayor Connor and Stacey attended the Millsboro council meeting, at that meeting, Millsboro officials stated that they would review their billing for the period in question for any discrepancies and have that information available for the next meeting. Mayor Connor and Stacey will be in attendance at that meeting on March 3, 2014. Councilwoman Ulrich commented that there was an information meeting to be held on March 3, 2104 regarding the Hiram Poultry Plant proposed conversion. This is being strictly an informational meeting to clarify details to those in opposition. She will provide Stacey with a copy of the meeting notice and it will be posted in Town Hall.

**Adjournment:** At 8:05 a motion was made by Councilman Baull and seconded by Councilwoman Eckerd to adjourn. All in favor. Motion carried.

**Respectfully Submitted**

**Duane Kenton**

**Town Clerk**