

Minutes of Meeting
Dagsboro Town Council
Bethel Center- 28307 Clayton Street
Monday- February 23, 2015

Call meeting to order: Mayor Truitt called the February 23, 2015 meeting to order at 7:00p.m.

Public Comment: Terry Bratten owner of Dagwoods Deli Project apologizes to the Council and Stacey for his behavior at previous meetings. Mr. Bratten is asking the Town if they would give him an extension for the payment for change of use fees incurred for the project. He states he will have an answer by the March Town Council meeting.

An ordinance to amend Chapter 34, Section 34-2 of the Municipal Code: Councilman Chandler states that you have to be a resident and property owner to be on the Planning Commission. If there was a person renting in Town who lived their whole life in Dagsboro, they could not serve on the Planning Commission because they aren't a property owner. Attorney Witsil then reads that the code says the present constitution of the Planning Commission is not less than 5, no more than 7 members. The new suggested proposed ordinance states the Town of Dagsboro Planning Commission shall consist of 5 members who shall be residents and/or property owners to be appointed by the Mayor of the Town of Dagsboro subject to confirmation by a majority of the elected members of Town Council for the term of 3 years and a quorum shall be 3 members. Councilman Chandler made a motion to amend the existing proposed ordinance to say 5 members who are residents and/or property owners and reduce the term from 5 to 3 years. It was seconded by Vice Mayor Brian Baull. All were in favor. Motion carried.

Approval of Minutes: Councilman Chandler made a motion to accept the December 8, 2014 minutes and it was seconded by Vice Mayor Baull. All were in favor. Motion carried.

Planning Commission Report and Consideration:

1. Consideration of setting a public hearing to amend the Town Center District Sign Regulations to add a requirement that all properties must bring their signs into compliance with existing regulations within a five (5) year time period

Kyle states that there are a number of nonconforming signs mainly on Main Street. The current sign regulations were adopted about seven years ago. He states that if Council approves the Planning Commission recommendation, the businesses would be notified saying their signs are out of compliance and they would have to bring their existing signs into compliance with today's ordinances within a five year period. The Town would then take legal action if not followed. Mr. Witsil drafted the ordinance in 2009 and he added a nonconforming section that would take care of illegal signs. Councilman Chandler proposed to Council that they take a survey of all nonconforming signs. Councilman Chandler made a motion to direct the solicitor for the Town to prepare an appropriate ordinance providing for a five year grace period for compliance with the Town's sign ordinances. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

New Business:

1. Consideration of request from the Dagsboro Fire Company to grant approval on signage on the new building located at 28331 Clayton Street

Wayne Bowden member of the Dagsboro Fire Department talked with Stacey about the lettering on the fire department building. He states it would say Dagsboro Volunteer Fire Company and have the fire company seal below it. On the side of the building where the railroad tracks are located it would have the same lettering and seal. The size of the lettering is 23X116 inches and the smaller lettering is 7 ½ X168 inches. Stacey states the maximum square footage for a wall sign in the commercial district is 24 square feet. Mr. Bowden asked the Town Council if the fire company could proceed with the size of the lettering. Councilman Chandler informs Mr. Bowden to go before the Planning Commission and then attend the next Town Council meeting. It was asked of Mr. Bowden if they could decrease the size of the lettering to be compliant and the permit can be issued and he can move forward without delay. Mr. Bowden said he would discuss this with the fire department and then attend the next Commission meeting with more information.

2. Discussion of change of use for Dagwoods Deli and consideration of rescinding approval for failure to comply with application requirements.

Stacey informs Council that a meeting was held with Terry Bratten on February 3, 2015. They discussed his change of use project and that Mr. Bratten has plan approval for the Dagwoods Deli Project. Mr. Bratten has an outstanding bill that has not been paid and the site plan escrow account has not been replenished. Mr. Bratten has filed a complaint with the Attorney General's office against the contractors involved. Mr. Bratten is asking the Council to table the discussion until the March Council meeting. Councilman Chandler informs Mr. Bratten that the escrow account has to be replenished or his change of use will be rescinded. Kyle informs Mr. Bratten that once he starts construction the County does an inspection and URS will do a certificate of occupancy inspection to make sure all the work meets the Town codes. Once the County signs off Stacey will then contact URS to do the final inspection. Vice Mayor Baull made a motion to table the discussion of the change of use for the Dagwoods Deli Restaurant until the March meeting and it was seconded by Councilman Chandler. All were in favor. Motion carried.

3. Consideration of approving the Website Annual Contract with RJ Stancliff & Associates

Stacey has inquired with other Town's and they have someone on staff who maintains their website. Stacey emails Mrs. Stancliff all the information to be put on the website and it is unlimited updating. Mrs. Standcliff charges the Town \$300 for 12 months and the \$460 is for the host server. The domain is a two year fee for \$50.00. Councilman Chandler suggests contacting an agency with the State that offers free website assistance. They have website planners and designers who will assist the local municipalities. Councilman Chandler made a motion to table the discussion until the March meeting to explore other options such as internal training for Autumn and/or Stacey or students from local schools. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

4. Approval of amendments to the Rules of Procedure of the Dagsboro Town Council (adopted 6/27/11).

Mr. Witsil reads that the FOIA provisions provide that when the agenda is filed less than seven days in advance to the meeting public bodies must make an additional showing that each new matter of public business came unexpectedly after the initial posting and require immediate attention. The public body must publish an amended agenda describing the new item at least 6 hours in advance of the meeting.

5. Consideration of approving the MOU with DE Dept. Of Corrections for the grass cutting services of the Town and of Prince George's Cemetery for the 2015 season.

The Town is cut every two weeks for the amount of \$1200 a month. The cemetery is cut every week for \$2550 a season. The cutting season begins April 1st and ends October 31st. Councilman Chandler made a motion to approve the MOU as proposed for the Town and cemetery grounds and it was seconded by Vice Mayor Baull. All were in favor. Motion carried.

6. Consideration of continuing the annual membership with the Delaware League of Local Governments

The Town is has been paying \$500 annual membership fee and now it will be increased to \$700 to be a member per year. The benefits of the Town being a member is the League is an advocate for State municipalities on all governmental issues that impact each town. The League also has an annual meeting in September for educational affairs. Councilman Chandler made a motion to suspend the Town's membership and not pay for any further membership dues. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

7. Consideration of replenishing the CD that was cashed in during FY2013

Councilman Chandler made a motion to invest the \$50,000 to replenish the C.D. for no more than two years. It was seconded by Councilman Miller. All were in favor. Motion carried.

8. Consideration of increasing water meter fee from \$200 to \$250

Stacey states the fee is for new homes being constructed because the purchase price for the meter is up to the applicant of the new structure. The Town charges \$200 per application that includes admin fees, installation fees, the cost of the meter itself and shipping fees. The Town is currently being charged \$215.00 for the meter. Stacey recommends increasing the fee to \$250 to cover the shipping fees, admin fees and installation fees. Councilman Chandler made a motion to approve the increase of the water meter fee from \$200 to \$250. Councilman Miller seconded the motion. All were in favor. Motion carried.

9. Consideration of appointment of a Planning & Zoning member to meet minimum member requirements.

Cathy Flowers volunteered to be on the Planning Commission. Mayor Truitt appointed Cathy Flowers to be on the Planning Commission with confirmation of all Council members.

10. Discussions regarding the Sussex County Economic Development and Infrastructure Grant

Councilman Chandler talked with Melody Booker-Wilkins from the County. Mrs. Wilkins would like for Council to email her a list of projects or ideas and if it complies with the regulations a \$10,000 check would be sent to the Town. The \$10,000 would have to be spent by June 30, 2015 and a photograph of what the Town utilized for the funds for will have to be sent to the County so they can put it on their website. Mayor Truitt suggested the money be spent on sidewalks on Hazzard Street. Vice Mayor Baull suggested the sidewalk in front of the Antique Center or in front of the Clayton Theatre. Councilman Chandler made a motion to approve the acquisition of the grant for spending on sidewalk and street repairs. It was seconded by Vice mayor Baull. All were in favor. Motion carried.

11. Consideration of replacing 2004 police cruiser

Chief Toomey was asked at the January meeting if overtime or a new police car was more important. He discussed this with his department and decided that using the money to purchase a new vehicle would be more important. The police department currently has 2 new vehicles in the fleet, 4 that have over 100,000 miles and 1 K-9 car that is no longer serviceable. Chief states that the mechanic says the 2004 should be replaced and one of the 2009 as well. The police department received \$10,000 from the

County and they can spend it as they please. Chief is interested in purchasing a SUV that is approximately \$40,000 fully equipped. The police department has budgeted \$45,000 in revenue from citations, tickets and court fees. As of February 3, 2015 the police has accumulated \$69,952.55. Councilman Chandler made a motion to approve Chief Toomey's request to purchase a new vehicle and it was seconded by Vice Mayor Baull. All were in favor. Motion carried.

12. Consideration of filling vacant officer position

Chief Toomey informs Council that Officer Paskey submitted his resignation the beginning of February. To keep the grant he must hire a new officer in his place. Chief has under \$40,000 left of the grant money. He has used over \$80,000 within 2 years. The grant requires hiring a post 9/11 Veteran. Chief is interested in hiring Tyler Bare and he has successfully completed the necessary steps of the hiring procedure. Chief is going to file for an extension with the Federal government because there was a gap in employing an officer. The prior Council had interviewed Tyler Bare and they think he would be a great asset to the police department. The government pays 75% of the officer's salary and benefits for the first 3 years. The Town pays the entire cost for the 4th year. Vice Mayor Baull made a motion to hire Tyler Bare and it was seconded by Councilman Miller. All were in favor. Motion carried.

13. Consideration of police department raises in accordance with adopted policy

Chief states the pay rank and pay scale policy was adopted on March 24, 2014. Council stated if the policy was adopted then it should be adhered to. Stacey states that raises and bonuses were put in the 2015 budget for all employees, therefore this item does not require a budget amendment.

Prior to moving forward with the old business, Attorney Witsil wanted to re-address the discussion regarding the sign code and all business being forced to comply with existing regulations 5 years from a specified date. Attorney Witsil states that there is a provision in the code that addresses signs are considered legal non-conforming signs until they change owners/business/applicants. He feels that maybe this section of the code would address the issue that the planning commission was intending. Planning Commission Scott Crater explained the basis for the 5 year sign code compliance. He stated that it was their intent to have the same size, height, and etc. all throughout the town center district. Councilman Chandler suggests that Council wait 30 days and discuss this at the next meeting. Attorney Witsil suggested in the meantime conduct a survey of the signs throughout town that are non-conforming.

Old Business:

1. Consideration of delegating a representative to attend Sussex County Administration of Towns and Delaware League of Local Governments.

Vice Mayor Baull volunteered to be a representative of the Town for the SCAT meetings. Councilman Chandler informs Vice Mayor that language has been added to the rules and procedures of Council that at the following Town Council meeting he should report to Council the ideas or concepts that were discussed that could be beneficial to the Town as stated in the adopted Rules of Procedures. That also includes the police department when attending meetings about the police department. Mr. Witsil suggested that we change the language from administrator to employees in section 16.2. Stacey informs Council that many surrounding towns pay for their employees entire cost in addition to any Council member that attends. Mr. Witsil suggests to Mayor Truitt to add the topic to the March meeting about

adopting a policy. Councilman Chandler made a motion to add the topic of discussion on the March agenda. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

Police Report:

Chief Toomey reports that in January there were 209 traffic arrests, 20 criminal arrests and 83 traffic warnings. 715 man hours were spent: 412 patrol hours, 117 investigative hours and 186 administrative hours. There were 1600 building checks, 66 complaints including 5 collision investigations. There were 13 wanted subjects that were apprehended, 1 drug arrest, 2 disorderly conduct arrests and 2 resisting arrests. Patrolman Paskey submitted his resignation which was effective on January 30, 2015. He had terminal leave until February 21, 2015.

Treasurer's Report:

General Checking \$20,653.10, Special Events Fund \$2,340.57, Public Service \$13,311.57, Police Grant Account \$7,252.86, Police Salary Account \$12,019.86, Property Transfer Account \$107,028.06 and 4 CD's of \$28,124.29, \$47,758.25, \$5,143.38 and \$20,000. Water Checking Account \$89,597.39, Savings \$222,938.84 and Reserve Account \$35,829.80. Municipal Street Aid Account Checking and Savings \$13,090.28. Prince George's Cemetery Checking \$821.33 and Savings \$2,773.64 and 3 CD's of \$32,704.26, \$44,689.36 and \$32,055.74. SALLE/EIDE Account of \$1.72.

Administrative Report:

Stacey received the project agreement with Deldot for the Sussex Street Culvert Replacement. It is being funded by the Community Transportation Fund by Senator Hocker and Representative Collins. The total cost of the project is \$3,354.00. The work will be done by the Sussex Conservation District.

Building Official Report:

There were 2 permits issued: 1 for the Fire Department to reface the 4X8 free standing sign. One for a wheel chair ramp on Sussex Street. 3 Certificate of Occupancies were issued: 1 for permit # 886 Dagsboro Church of God for kitchen renovations, permit # 925 on Vines Creek Road for an agricultural pole building and permit # 908 for Porto Pizza for a tenant fit out. 1 permit was denied because the real estate sign was too large on Vines Creek Road.

Code Enforcement Report:

Stacey issued a temporary sales permit to American Legion Post 24 on February 12, 2015. The effective date is May 16, 2015 and it expires on September 12, 2015. No changes were made to the site plan. The business license for Porto Pizza was issued on February 23, 2015.

Water Department Report:

Discussed earlier in the meeting about meters.

Correspondence:

A letter was received about Witsil/Howard, LLP becoming partners.

Economic Development Committee Report:

Councilman Chandler has the questions and list of businesses and he, Theresa and Norwood will begin the process.

Personnel Policy Committee Report:

Councilman Chandler informs Council they will be meeting in March at 8:30a.m.

Prince George's Chapel Cemetery Committee Report:

They will be meeting in May. Stacey informs Council that a complaint was made about the split rail fencing being over or too close to existing graves. Also in the older part of the cemetery there being no records of graves. Stacey will be discussing with the president and Melson Funeral Home so they can come to an agreement.

Public Comment:

Scott Crater asked Chief about the number of police vehicles the department has. Chief answered seven total. Mr. Crater then asked Chief if he thought it would be important for the department to attend the Narcon seminar. He said not at this time because the Town has to have a policy in place.

Adjournment:

Councilman Chandler made a motion to adjourn the meeting at 10:00 p.m. and it was seconded by Vice Mayor Baull. All were in favor. Motion carried.

Respectfully Submitted,

Autumn Gardner-Town Clerk