

Minutes of Meeting  
Dagsboro Town Council  
Bethel Center- 28307 Clayton Street  
Monday, September 28, 2015

I. Call Meeting to Order:

Mayor Truitt called the meeting to order at 6:00p.m. Those in attendance were Mayor Truitt, Vice Mayor Baull, Councilman Chandler, Councilwoman Ulrich, Town Administrator Stacey Long, Chief Toomey, Kyle Gulbranson from AECOM and others as listed on the sign in sheet.

II. Public Comment:

Mr. Thompson states that he moved to Dagsboro in January. He informs the Council that he couldn't find any information about Katie Helm. He tried looking on the Town's website, the State website and on Google with no luck. Councilman Chandler informs Mr. Thompson that Katie Helm was a longtime resident of Dagsboro. She owned property in Dagsboro and left the property to the Town of Dagsboro in her will requesting that it would be turned into a park. Mr. Thompson also has concerns with the porta potty. Mayor Truitt lets Mr. Thompson know that the porta potty will remain in the park until the end of October and it will then be permanently removed. Mr. Thompson asks if the brush, limbs and yard waste at the rear of the park be removed by the end of October. Councilman Chandler asked Mr. Thompson to get in contact with Fernmoor Homes and ask if they could donate money to help build a restroom at the park. Councilman Chandler states that the Town has saved Fernmoor Homes thousands of dollars by not requiring them to build the walking trail as the plan was originally approved for.

Councilwoman Ulrich informs Council that she has been approached by people with questions concerning the payment system with water. She states that people are having a hard time not being able to pay over the phone or with a credit card. Stacey states since she has taken over the water department in 2010, on two separate occasions she has proposed it to the Council and it was denied. The main reason was because a fee has to be paid for every transaction and a monthly fee on top of that. The Town would have to purchase a credit card machine and pay the fees. Stacey states she will look into this matter again.

III. Presentation of Certificate:

No one was present to accept the certificate. It was postponed to another date.

IV. Public Hearing:

An ordinance to amend Chapter 275-17(A) entitled "HC-Highway Commercial District by adding to the permitted uses of subsection (23) the permitted use of "massage spas exclusively providing massage services performed by a professionally licensed massage therapist"

Stacey informs Council that Mr. Crane, Representative of Savannah Square stopped by Town Hall on September 28, 2015 and dropped off a letter to be presented at the meeting because he was not able to attend. Stacey then reads the letter into the record. Mayor Truitt informs Council that the Planning Commission voted to deny the request to add the language as a permitted use. A public hearing needs to be opened. Stacey then reads the ordinance into the record. Stacey states that on September 15, 2015 it was brought to the Planning Commission where it was denied by 3 in favor of denying the ordinance and 0 opposed. Their concerns were of problems that happened in another town and they

were concerned with the possibility of that occurring in the Town of Dagsboro. Another concern was if it was permitted, any business that provided massage services could open a business in the Highway Commercial District.

Margaret Tsang who represents the massage spa presents information to the Council about her other massage businesses. She states that she performs relaxing and stretching services. Mayor Truitt asks if her other businesses have state regulations. She answers no and that they follow all the rules so she can have a professional business. Councilwoman Ulrich asks if her other businesses offer other services. Ms. Tsang states just massaging services. Councilwoman Ulrich asks if she has licensed therapists and Ms. Tsang says yes, they went to school for massage therapy. Ms. Tsang informs Council that she is just a manager at her businesses. She would hire 3 to 4 employees at the spa. In the beginning she plans on just hiring two employees that are qualified and see how the business builds. Councilman Chandler asks if products such as aroma therapy or incense are sold. She states no. Councilman Chandler asks if she conducts surveys to determine if a business will be successful. Ms. Tsang answers no they just look at locations where restaurants and construction areas are located. They are interested in construction areas because the people are very tense and they are loyal to the massage businesses. The lease agreement with Savannah Square is for 3 years. Chief Toomey asks if Mayor Truitt and Council could table the issue until he can learn more about the massage business. Chief has scheduled a training session on October 10, 2015 about massage parlors and their effects and influence on the community. Vice Mayor Baull made a motion to close the public hearing and it was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

#### V. Approval of Minutes: August 24, 2015

Councilman Chandler made a motion to approve the Town Council minutes. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

#### VI. Consent Agenda:

Stacey states that she presented the addendum reports with information on the Municipal Election, Christmas parade and water information.

#### Police Department:

Chief states that 1 burglary with 2 subjects with 3 charges each were apprehended leaving the scene. Chief informs Council when an event is at Mr. Bananas, the Dagsboro, State and Millsboro Police are on alert. Chief received a flyer that an event will take place every Friday. Chief states that all the overtime hours are gone because they were used to monitor the facility.

#### Administrative Report:

Mayor Truitt states that they have estimates for the Swamp Road street repair. One for \$37,500 and a second for \$59,335. Kyle informs Council that they have contacted the bidders for additional information.

Stacey informs Council that there is a section in the Code that they need to be aware of. The section is Chapter 130 Impact Fees. It states "Any improvements and/or replacement that causes a significant increase in Municipal and/or Public Services either by using existing capacity or by causing the need to expand existing capacity as reasonably determined by the Town Council and supported by analysis. Municipal and/or Public Services included but not limited to water, storm, sewer, drainage, street lighting, signage, traffic, control devices, streets, curbs, sidewalks, gutters, police, fire, code enforcement, emergency protection and services to the residents or properties of the Town or serviced

by the Town's water treatment distribution system. The additional impact upon those services shall be subject to the impact fees provided for under this chapter." Stacey states that this could possibly have additional fees imposed to cover the costs of additional town resources. We will need to discuss this with Attorney Witsil.

Stacey informs Council that the meter is still not working properly. The meter will need to be taken apart and cleaned and put back together. Councilman Chandler made a motion to approve the consent agenda and it was seconded by Vice Mayor Baull. All were in favor. Motion carried.

#### VII.Planning Commission Committee Report

Recommendation on adding to the permitted uses of subsection (23) the permitted use of "massage spas exclusively providing massage services performed by a professionally licensed massage therapist in the HC District"

Stacey summarized the Planning Commission minutes. The Chairman informs Mr. Crane that he had a problem with a business who just provides massaging. It doesn't fit with the setting of the Town. Mr. Crane informs the Commission that there was talk of changing the verbiage to say therapeutic massage services in a licensed environment. Chairman Crater recommends to Mr. Crane that the tenant should provide another service within the therapeutic massage spa. Commissioner Connor was concerned that once it is in the Code that other businesses would come in with the wrong intentions and can't be turned away. It was unanimously approved to deny the request to add the permitted use in the Highway Commercial District.

Mayor Truitt informs Council that Nancy Marvel and Janice Kolbeck resigned from the Planning Commission. There are now 3 members on the Commission. They are still able to meet as long as all 3 members are in attendance.

Stacey informs Council that a boat repair business is interested in the building at 29118 Piney Neck Road. They would have to go through a change of use process. The intentions was to have it rezoned to Commercial and it was withdrawn. They are now interested in moving forward with retail sales of boat accessories and foregoing the boat repair onsite. It would either be an administrative change of use or a full site plan which would have to go through the Planning Commission and the Council. Vice Mayor Baull made a motion to accept the Planning Commission report. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

#### VIII.New Business:

Vote on an Ordinance to amend Chapter 275-17(A) entitled " HC-Highway Commercial District by adding to the permitted uses of subsection (23) the permitted use of "massage spas exclusively providing massage services performed by a professionally licensed massage therapist"

Mayor Truitt suggests tabling the item until Chief Toomey investigates the impact it would have on the town. He will have more information at the October meeting. Councilman Chandler states that Dagsboro had a massage therapist business years ago called Sarah Bella. Councilman Chandler made a motion to table the item until the next Town Council meeting in October. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

1. Review quotes and consideration of purchasing a sump pump to place in the interconnect pit to eliminate flooding in the pit.

Stacey informs Council that she tried to get a quote from Bel Air Road Supply but has been unsuccessful. She talked with Bob Flowers-Maintenance and he pumps the pit every month.

They found a pump at Lowe's for \$239.00. It pumps 170 gallons per minute and there is a 5 year warranty. In addition to purchasing a sump pump the cord would have to be ran through the pit and out of the outlet. Stacey informs Council that it has a switch for automatic or manual operation. The approximate cost for all the parts, pump and electrician would be \$500.00. Councilman Chandler made a motion to accept the purchase of the sump pump and all the related hardware. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

2. Consideration of budget amendment to reduce the street lighting expense in the general budget account for the grant funds received and to allot some monies to street sign replacements.

Stacey informs Council that the budget was originally approved with \$11,658.00 of Municipal Street Aid Grant income. The grant funds were not decreased this year as expected, therefore we received the normal amount of \$19,246.00. Stacey amended the budget to show the extra funds coming in and she decreased the expense amount on the General operating side because the Town would have covered it from the general fund. It was reduced to \$7,683.00.

Chief Toomey informs Council that the Federal government has mandated that the reflectivity of street signs has to be a certain font. The Town is in charge of replacing of all the signs throughout Town. Local legislatures and County Council donated money last year and we replaced some then. \$2,500 has been allocated towards street signs. Councilman Chandler made a motion to approve the budget amendment as proposed and dedicate the funds in the amount of \$2,500 to street sign replacement. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

3. Review and consideration of adopting the Town of Dagsboro Safety Program as drafted. Consideration of appointment of a Safety Committee members.

Stacey informs Council that it should be in place because it will help with workplace safety inspection. Stacey purchased a first aid kit for \$20.00 for Town Hall and an extinguisher for \$50.00 for the police department. Maintenance took the existing fire extinguisher from Town Hall to be recharged. There is a \$700 application fee for the Workplace Safety Inspection and if approved it will save the Town thousands of dollars on commercial insurance. The Town's insurance company can provide safety training. Vice Mayor Baull made a motion for Councilman Miller, Mayor Truitt, Town Administrator and Chief of Police to be on the safety committee, and to approve the Safety Program as drafted. It was seconded by Councilman Chandler. All were in favor. Motion carried.

4. Consideration of changing the burial permit fee to include the mandatory corner marker fee.

Stacey informs Council that there has been many issues on this matter. In May the Cemetery Committee and Council adopted requirements for mandatory corner markers for \$225.00. Stacey wants to let the funeral directors to know the process of notifying the Town before anything is done in the cemetery. She suggested making it a required \$475.00 fee when you open a grave. If a family already has corner markers installed they will have to send a photo confirming so. Stacey will then waive the \$225.00 corner marker fee and only require the \$250 opening fee. Councilman Chandler made a motion to charge the burial fee to include the mandatory corner marker fee. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

5. Consideration of a pay raise for clerical staff.  
Stacey states that will be voted on after the Executive session.

1. Old Business

1. Consideration of drafting an ordinance to adopt the Town's FOIA Policy in the town code or change our policy to incorporate the fees as defined in Title 29 Subsection 10003.

Councilman Chandler states that his view is keeping the Town's current charges for FOIA requests. He states fees would not over rule the Town's fee schedule so long as it is part of our code. The fees differ from the State's due to minimal staffing in Town Hall. Councilman Chandler made a motion to set a public hearing to propose a new ordinance for the town's FOIA Policy regarding fees and costs. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

2. Public Comment:

No one from the audience commented. Mayor Truitt closed the public comment.

At 7: 19 p.m.Councilman Chandler made a motion to adjourn to Executive Session. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

At 7:37 p.m. Councilman Chandler made a motion to re-enter Regular Session. Vice Mayor Baull seconded the motion. All were in favor. Motion carried.

Councilman Chandler made a motion to award the Town Clerk a 50 cent per hour raise per review of her evaluation to begin the next pay period. Vice Mayor Baull seconded the motion. All were in favor. Motion carried.

At 7:38 p.m. Vice Mayor Baull made a motion to adjourn the meeting. It was seconded by Councilman Chandler. All were in favor. Motion carried.

Respectfully Submitted,

Autumn Gardner, Town Clerk