

MINUTES OF MEETING

DAGSBORO TOWN COUNCIL

BETHEL CENTER – 28307 CLAYTON STREET

MONDAY – JANUARY 27, 2014

Call Meeting to Order: 6p.m. A motion was made by Vice-Mayor Truitt and seconded by Councilwoman Eckerd to enter Executive Session. All in favor. Motion carried. A motion was made by Councilwoman Eckerd and seconded by Vice-Mayor Truitt to exit Executive Session. 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 Baul, Chief Toomey of Dagsboro PD, Kyle Gulbranson of URS, Attorney Rob Witsil Jr. and others as listed on the sign in sheet. Mayor Connor welcomed Boy Scout Troop #382 and their leader Matt Janis, to the meeting as they are in attendance this evening to earn their Merit Badge for Citizenship in the Community.

Approval of Minutes:

A motion was made by Vice-Mayor Truitt and seconded by Councilman Baul to approve the minutes of the December 9, 2013 meeting and the minutes of the special meeting of January 8, 2014. All in favor. Motion carried.

New Business:

1. Consideration of request for sign variance for Indian River High School property: Ruth Ann Marvel from the IRHSAA, updated the council with information regarding the sign for IRHS, a 10'x14' 2 sided sign, on a 2' high elevated mound has been selected with a 3'x8' LED display area (just for a reference the sign at the new McDonalds on the highway in Millsboro has a LED area that is 4'x8' so this will be a bit smaller) and the Indian Head Logo of IRHS. She stated that the Alumni Association has taken this proposal to the Buildings and Grounds Committee of the Board and they were receptive to the plan. She reiterated that with the location of this new school being back from the road and the multiple purposes that the school serves in emergencies, a sign would be extremely beneficial. She stated that Phillips Sign Company will be coming out on Thursday with an example on a trailer so that the exact position of the sign can be determined and that anyone who would like to come out to the school is welcome to do so. Councilwoman Ulrich and Councilwoman Eckerd asked if a site plan was available at this time to be able see the position of the sign and Ruth Ann said that it was not but it will be ready soon after exact placement is determined, but it was half way between the Steele property and Prince George's Acres. Kyle Gulbranson from URS reminded Ruth Ann of the setbacks that must be observed for the town, and also that on the Armory Road side of the sign the setbacks must be in accordance with both DelDOT and the Town of Dagsboro. Attorney Witsil interjected that the council has yet to make a determination as to whether or not they will grant an Exemption for the sign in accordance with Section 275-7 of the town code or approve a variance of some type. A motion was made by Vice-Mayor Truitt and seconded by Councilwoman Eckerd to grant the exemption for the sign as per Section 275-7 of the town code. All in favor. Motion carried. Ruth Ann will come back with site plan

when the details have been worked out hopefully for next meeting and in the interim representatives from the Alumni Association will be contacting nearby property owners for their feedback and input.

2. Consideration of request for amendment to Commercial sign regulations to allow for digital signage. Set public hearing if needed. Stacey presented the request from Clayton Crossing to update their existing sign to include a LED portion within the confines. Mike Cummins was present and gave detailed information as to the size of the LED area which would be a 28"x7' area which would contain 3 rows of small lettering which would allow businesses in the park to advertise and promote their business. Ad-Art will be changing the sign and will also provide a video showing an example of the proposed change. Attorney Witsil stated that now is the time for the town to consider amending the town code Section 275-71 (A1) & (2) to include some sort of digital/LED signage with limits as to speed, color, intensity and also what these restrictions are within each zoning district. This is something that P&Z could take under advisement at their next meeting. Stacey will be getting information from other towns in the area for P&Z to use as a guide when making their determinations. Then P&Z can submit their recommendations back to Town Council for final approval at which time Attorney Witsil could draft the change to the town's ordinance. A motion was made by Councilman Baull and seconded by Vice-Mayor Truitt to have the Planning & Zoning Committee review and suggest appropriate changes to Section 275-71 (A1) & (2) of the town code regarding digital/LED signs in town limits. All in favor. Motion carried.
3. Consideration of acting as a third party for parking lot paving for the Dagsboro Fire Co. through CT Funds. Al Townsend, President of the DVFD, the fire department has been working with local politicians to secure funds for the public parking lot at their new station on Clayton Street and they have just discovered that the funds have to go to either the county or the local municipality and the contractor is paid by them. The DVFD is asking the Town to act as third party to accomplish this, all expenses, documents will be paid and provided by the fire department, the town will just be a conduit for the Fire Department with the funds coming into the town and being paid out directly to the contractor. Attorney Witsil stated that as long as the town & DVFD has an indemnification agreement in place it is fine. A motion was made by Councilwoman Eckerd and seconded by Councilwoman Ulrich for the Town of Dagsboro to act as a Third Party in order to disburse funds for the public parking lot at the new DVFD, subject to the hold harmless and indemnification clause. All in favor. Motion carried.
4. Consideration of issuing a temporary Certificate of Occupancy for the Dagsboro Fire Co. until the parking lot paving is completed. Al Townsend, President of the DVFD stated that the inside work is complete except for installation of flooring and the painting. The county has agreed to issue a temporary certificate of occupancy contingent to the completion of the parking lot. If the town would do this also, it would allow the DVFD to begin moving some of their equipment and some interior furnishings in from storage and their current building. Hopefully sometime in April, a big part of the moving process and set up would already be complete. If this is agreeable DVFD will contact the Town when they are ready for final inspections so that this process can begin. A motion was made by Vice-Mayor Truitt and seconded by Councilman Baull to issue a temporary certificate of occupancy for the DVFD contingent up completion of the parking lot and receipt of all other necessary permits.
5. Presentation of audited financial statements for FY2013 by PKS & Co., P.A. Lee McCabe, Audit Manager of PKS along with Andy Haney and Leslie Aguillion were present to give the Audit Summary report for FY2013. A handout of the summary was given to the council members. Mr. McCabe began by stating that the financial statements are the responsibility of the town

management and that it is the responsibility of the auditors to express an opinion based on the audit of those statements by their procedures and to give a report that reflects fairly the true position of the town. It is a clean opinion which is the highest opinion possible and it is what the town has received the last several years. A summary of the General Funds account showed a decrease of \$9,993 from FY 2012, with an ending balance of \$192,873 of which \$9,600 was non spendable, prepaid insurance, and \$126,000 restricted, impact fees, grants and transfer taxes, and \$57,000 unassigned and available for future use. Total revenue for 2013 was \$511,982, approximately \$100,000 above FY 2012 \$198,000 roughly 40% from property taxes, \$155,000 roughly 30% from intergovernmental services and \$105,000 for services roughly 20%. A 6% transfer tax increase due to transfer on previously undeveloped property. We will see an increase in FY 2014 due to the tax rate increase. A \$56,000, 58% increase in intergovernmental services \$125,000 from the Cops Grant, \$8,500 from the K-9 Grant, \$8,800 for video equipment/Highway Safety and \$15,500 DNREC/energy upgrades Grant. Total Expenditures for FY 2013 \$521,975 which is general government expenditures \$6,600 20% lower than last year, but that was expected due to the completion of the Katie Helm Park work and completion of work at the Inter Connect at the water pit out on Dagsboro Road. Public Service expenditures were \$7,500 4% above last year but this was due to the K9 Grant. Capital outlays were \$9,500 20% above last year but related to the Cops and K9 Grants. Moving on to the Water Fund, there was an increase of \$12,036 with an ending balance of \$2,597,920 of which \$2,320,000 net of debt toward capital assets and \$278,564 unrestricted for future use. Total operating revenue \$250,000 which is an increase of \$27,000 a 12% increase from 2012 which is related to water usage. Impact Fee revenue \$39,000 is down \$31,000 a 44% decrease from 2012 which is due to the annexation and connection of the armory which connected to the system last year. Total operating expenses were \$230,921 a 27% decrease due to water usage and a 57% decrease due to depreciation, the total decrease from 2012 was \$62,000 21%. The deductions in usage charges and fees were expected since the issues at the I/C have been handled and should now level off. Since this is the end of our 3 year commitment term with PKS, they have a letter of renewal ready for another 3 year commitment at the same rate as before, with no rate increase, should be choose to continue with them. Stacey Long highly recommended that we stay with PKS. A motion was made by Councilwoman Eckerd and seconded by Councilman Baull to accept the letter of commitment from PKS for another 3 years. All in favor. Motion carried. Stacey Long asked if the monies in the Impact Fee account are considered Restricted Income as far as usage for general operating expense. Attorney Witsil looked thru the code and it does not state that the funds are restricted to just water fund expenses. Andy Haney from PKS stated that what they show as Restricted is only restricted for audit/accounting purposes not in actuality.

6. Consideration of setting a public hearing to amend Chapter 1 of the Dagsboro Code entitled "General Provision" to add Article II, entitled "Civil Penalties for Violation"; to amend the penalties enumerated and specified in: Chapter 61-2; Chapter 75-11(A); Chapter 110-5; Chapter 118-23; Chapter 146-14; Chapter 173-6(A); Chapter 210-3; Chapter 232-3; Chapter 238-11 (C)&(D); Chapter 267-21(D): Attorney Witsil stated that the town has been looking at amending these ordinances for the last year in an attempt to make it less cumbersome to achieve the desired results. The section of the ordinance is #126 on page 3. Updating the code will allow the town to issue civil summons along with the associated penalties after initial contact has been made with the property owner without taking care of the violation. The town would like to hold a public hearing at the next meeting in order to establish set policy and move ahead with these issues instead of sending letter after letter with nothing accomplished. A motion was made by Vice-Mayor Truitt and seconded by Councilwoman

Ulrich to post notice of public hearing to be held at the next town council meeting. All in favor. Motion carried.

7. **Appointment of PGC Cemetery Committee Liaison:** Former Mayor Patti Adams had been the Liaison previously and attending the bi-annual meetings of the PGC Committee held at Dagsboro Town Hall and report back to the town council. The Liaison must be a member of the council. Councilman Baull volunteered to be the Liaison since he lives across the street from PGCC.
8. **Appointment of P&Z Member Gayle Chandler for another 5 year term:** A motion was made by Vice-Mayor Truitt and seconded by Councilwoman Eckerd to accept and re-appoint Gayle Chandler for another 5 year term on P&Z. All in favor. Motion carried.
9. **Appointment of Board of Adjustment Member Ed Burton for another 5 year term:** A motion was made by Councilwoman Eckerd and seconded by Councilman Baull to accept and re-appoint Ed Burton for another 5 year term on the Board of Adjustment. All in favor. Motion carried.
10. **Consideration of scheduling a Council workshop in February:** After discussion finding it would be beneficial for the new council members, it was decided to hold a town council workshop meeting that all members will attend, on Tuesday, February 18, 2013 at the Dagsboro Police Department.
11. **Consideration of formation of a Committee to organize a Town Christmas Parade:** Councilman Baull commented that the town is lacking when it comes to publicity and recognition and suggested that a Signature Event such as a Christmas Parade, maybe in conjunction with the Annual Tree Lighting Ceremony, might be a way to bring life to the town. There was discussion regarding the possible route, vendors at the Katie Helm Park afterwards and also a promise of commitment from people in the area who would be willing to lend their assistance to planning the event such as the Millsboro Chamber. Mayor Connor stated that he would be a member of this committee in addition to the Town Administrator, Stacey Long and Chief Toomey. Updates on the possibility of the Parade will be forth coming.
12. **Consideration of establishing a Facebook and Twitter page for the Town:** Councilman Baull commented that other towns in the area have a Facebook page and Twitter site which are used for communication and information to keep the public aware of town happenings. This is a free service which can be monitored for content in case of negative and inappropriate posts. It could be beneficial for new businesses looking to come to the area and a good way for existing businesses to advertise and increase revenue. After contacting other towns in the area information will be shared regarding the progress of this venture.
13. **Consideration of voting on any matters discussed in Executive Session:** A motion was made by Councilwoman Eckerd and seconded by Councilwoman Ulrich to promote Sgt. Litten to rank of Staff Sargent accompanied with a 52 cent per hour pay increase as per discussion in Executive Session. All in favor. Motion carried. A motion was made by Councilwoman Eckerd and seconded by Councilman Baull to change Town Administrator, Stacey Long from an hourly to salaried employee of \$48,000 with the increase coming from Water Department revenue.

Police Department:

Presentation of Police Report: Chief Toomey presented the statistical comparison from 2006-2013. Traffic arrests of 1959, being the 2nd highest. Criminal arrests of 202 the highest to date, and complaints of 769 also the highest to date. There were 71 traffic collisions, which we mainly due to the construction on Main Street, and being even higher that at the intersection of Rt. 113 and Clayton Street, with drivers being distracted and rear ending other motorists. Councilman

Baull inquired if Chief Toomey had a breakdown by age on the drivers who were involved in these collisions and Chief Toomey will get that information before the next meeting. Councilwoman Eckerd inquired as to what role cell phone use had in these incidents as well and the Chief said that cell phone use was not deemed to be a factor. The police department is working in conjunction with the Department of Highway Safety and the Distracted Driver program which targets Cell Phone and Seatbelt use as well and if funded by Federal Grant money, along with the day to day operation and patrol of the town. The Annual Report which summarizes the department activity under the supervision of Sgt. Litten while Chief Toomey was on deployment was highlighted and included the hiring of Patrolman Huff thru acquisition of the Cops Grant. Full implementation of the K9 program was made into the police department, following the completion of extensive training of K9 Ary and Cpl. Ober. Recruitment of another officer thru the Cops Grant following the resignation of the original officer resigned after 10 months with the force. The replacement, Paskey, is currently at the Academy and is scheduled to graduate on March 7, 2014. A Part-Time Office officer, Kurten, was hired to fill in with the gaps in coverage of the department during this time. Mayor Connor asked when the new vehicles that the department had ordered were expected to be received. Chief Toomey stated that due to an error by the dealer who ordered white instead of gray it will unfortunately be another 12 weeks before delivery can be expected sometime in March or April.

Administrative/Financial/Code Enforcement:

1. **Presentation of Administrative Report:** An email has been received from Pat Miller asking to be made an active member of P&Z again, after having been made an inactive member temporarily due to health issues which have been resolved. There is a TNR phone conference call scheduled for later this week and the hope is that the woman who will be writing the grant for the town will be able to speak at the February council meeting. A quote of \$45 has been received from Ad-Art for the replacement sign of NO SKATEBOARDING, ROLLER SKATING, ROLLER BLADING at Katie Helm Park.
2. **Presentation of Treasurer's Report:** General checking \$120,655.10, Public Service money market \$11,458.59, Police Grant \$4,528.79, Police money market \$6,000.00, 3 CD'S \$27,881.69, \$46,738.25 and \$5,938.00. MSA checking and savings \$11,619.09. PGCC checking \$598.77 savings \$3,768.47, 3 CD's \$32,693.51, \$44,672.84 and \$31,721.74. Water checking \$63,632.03, Impact Fees \$202,972.13 and Reserve \$34,634.02. A motion was made by Vice-Mayor Truitt and seconded by Councilman Baull to accept the Treasurer's report. All in favor. Motion carried.
3. **Presentation of Building Official & Code Enforcement Report:** 1 Certificate of Occupancy has been issue for unit #40 at the Woodlands of Peppers Creek, 1 sign permit of a free standing and wall sign has been issued to Beach Uniques on Main Street, 1 Tenant Fit Out for the Howlett property on Main Street for an antique store with a possibly adding a delicatessen later, 1 permit for a 26x40 agricultural building on South Main Street. On December 5, 2013 a property and exterior building inspection was done at 33108 Main Street, the Marconi property, by URS and Stacey Long, Code Enforcement Official. We are awaiting the list of violations and pictures of that inspection for the 3 structures on the property. The barn in the rear of property near the park pavilion appears to be in a very unstable condition and has become an attraction for criminal mischief as noted by Chief Toomey. The other 2 buildings are believed to be inhabited and they will also be inspected for structural integrity.
4. **Correspondence:** There was no correspondence.

Water Department:

1. **Presentation of Water Report:** Stacey has given a copy of the letter that was sent to the Town of Millsboro in regards to the status of their determination on the excess water billing that we discussed when Brad, Norwood and Stacey met with Millsboro town officials back in October. We have yet to be placed on the agenda for their town council meeting but the Mayor and the Town Administrator will be at their February meeting.

Adjournment: Prior to adjournment Boy Scout Troop #382 and Leader Matt Janis, thanked the council for their hospitality and candy and informed them that they were always available for public service work and other ways to earn merit badges and gave a unanimous salute to the town officials as an honor of recognition. Attorney Witsil commented to the scouts that he himself is an Eagle Scout and he commended them on their achievements and dedication. A motion was made at 8:45 p.m. by Councilman Baull and seconded by Councilwoman Eckerd to adjourn. All in favor. Motion carried

Respectfully Submitted

Duane Kenton

Town Clerk