

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center – 28307 Clayton Street
Monday, June 20, 2016

I. CALL MEETING TO ORDER

Mayor Truitt called the meeting to order at 6:00 p.m. In attendance were Mayor Truitt, Vice Mayor Baull, Councilman Chandler, Councilwoman Ulrich, Attorney Robert Witsil, Town Administrator Stacey Long, and Town Engineer Kyle Gulbranson. Councilman Miller was absent. An attendance sheet for all audience members is attached.

II. PUBLIC COMMENT

No public comment at this time

III. PUBLIC HEARING & VOTE

- a. *An ordinance to amend Chapter 146, Section 3(E) of the Municipal Code entitled “Licensing” by adding an annual rental license fee for commercial or business centers, buildings or structures renting units, shop space, storage units and similar rented spaces.*

Mayor Truitt opened the public hearing. There were no comments on the proposed ordinance. A motion to close the public hearing was made by Councilwoman Ulrich and seconded by Councilman Chandler. Motion carried with all in favor.

Motion made to adopt the Ordinance as proposed was made by Councilman Chandler. It was seconded by Councilwoman Ulrich. Motion carried with all in favor.

IV. APPROVAL OF MINUTES

- a. *May 5, 2016 – Town Council Workshop*

- b. *May 23, 2016 – Town Council Meeting*

Attendees were omitted from the minutes in error. With the correction of this, a motion to approve the minutes of May 5, 2016 and May 23, 2016 was made by Councilman Chandler and seconded by Councilwoman Ulrich. Motion carried with all in favor.

V. CONSENT AGENDA *Reports on the items below are attached to the minutes*

- a. *Police Department Report*

Traffic arrests is the same as the tickets that were written. Thefts are from vehicles, shoplifting, & property.

- b. *Treasurer’s Report*

- c. *Administrative Report*

- d. *Economic Development Committee*

- e. *Building Official Report*

- f. *Code Enforcement Report*

- g. *Meeting Reports*

- h. *Water Department Report*

- i. *Prince George’s Chapel Cemetery Report*

- j. *Correspondence*

Motion to approve the consent agenda was made by Councilman Chandler and seconded by Vice Mayor Baull. Motion carried with all in favor.

VI. PLANNING & ZONING COMMITTEE

Report on the following matters:

- a. *Review of Rules and Regulations for changes, amendments or additions*

The Rules and regulations that were originally drafted in 2011 were intended to apply for major applications, not minor ones. However that was not specified. Major applications are defined as site plan reviews and subdivision applications. Revision of this rule will be more specific. Planning and Zoning will not be holding executive session meetings,

therefore this rule will be omitted. The Commissioners suggest the rules and regulations be re-numbered and organized for better understanding. Another revision is to change the wording of “The Secretary keeps the minutes and records of the Commission” to state that “Secretary shall transcribe the minutes of the meeting.” The records need to be kept at Town Hall and it could be interpreted that the secretary is to keep the minute in their possession. Stacey will be drafting the changes and will return to Planning and Zoning with the changes.

b. *Outdoor/overnight storage and sales displays.*

A lot of the items being displayed outside are becoming unsightly and cluttered. Planning and Zoning members feel that regulations need to be put in place to regulate outside sales displays. It was suggested to limit the square footage and types of displays they can have. The Town Administrator is drafting language to address their concerns and will be brought to Planning and Zoning for review.

c. *Location of commercial dumpsters throughout town.*

Our code requires dumpsters on concrete pads and to be fenced in. There are a lot of unsightly dumpsters in commercial lots that were in place before the code was adopted. The suggestion is to add a specified amount of years to bring this into compliance for all properties. Stacey is going to draft language to address this matter and bring it to the July Planning and Zoning meeting.

Council Review and consideration of the following:

a. *Temporary Sales Permit fee for applications on condemned properties*

The proposed Ice Cream stand has had a lot of review costs, resources and time spent on this and the applicant didn't show at the meeting and may be withdrawing their application. The Planning and Zoning Commission is suggesting that if there is any sort of review we should be adding a fee to cover expenses. They didn't want it to look like we are not business friendly, so they recommended to add an application fee for temporary sales permit applications on condemned properties. This has had more time spent on it because it is condemned vs a regular temporary sales permit application which is cut and dry. They would like this set at \$250.00. It is suggested by Council that instead of this application fee, there should be an ordinance prohibiting use of a condemned property for business until all issues of the condemned property are addressed. A recommendation was made that parking for temporary businesses be changed from no right of way parking to no right of way parking within so many feet of an intersection. This will be discussed again at the next Council meeting.

b. *Commercial Signs in the Town Center Zoning District.*

Discussions on the previously recommended 5 year compliance requirement

Attorney Witsil feels non-conforming signs are already addressed in the code. Chairman of Planning and Zoning does not feel that signs should stay “as is” if no changes occur. Council will read up about the sign issue and discuss further at the next meeting.

VII. NEW BUSINESS

a. *Consideration of Removal of Planning & Zoning Member*

A motion was made to hold a public hearing to remove Mr. Thompson during July's Town Council meeting. This could not be done this month without a public hearing as he has not missed more than 3 meetings.

b. *Consideration of Change of Use Request for Charles Moon Plumbing Office & Shop located at 33214 Main Street*

The use of this business has received all its required approvals and the use is a permitted use in the town center zoning district. Jerry Green is concerned that the process has been cumbersome to get to this point. If he buys the property and decides to sell will the new owner have to go through

this process? The owner would have to apply for a change of use if doing a business other than what he is doing in there now. A motion to approve the change of use request was made by Councilman Chandler and seconded by Vice Mayor Baull. Motion carried with all in favor.

c. *Consideration of FY2017 Town Budgets*

The concern is that there is only a \$326 surplus and we are having to pull out of other accounts to cover general operating expenses. The other accounts can fluctuate and may not be available in the future. There would be a higher beginning balance but we invested the money into CDs over the course of the past year. In addition, Councilman Chandler is concerned about the tax increase several years ago and how when it was increased there was significant surplus. Now there is not. Some major expenditures since the tax increase are: we have added another officer and 3 new police vehicles. Expenses have increased but income has not. Councilwoman Ulrich made a motion to approve the budget. Motion was seconded by Vice Mayor Baull. Motion carried with all in favor.

d. *Approval of Pre-Approved Vendor List for FY2017*

A motion to approve the vendor list was made by Councilman Chandler and seconded by Vice Mayor Baull. Motion was carried with all in favor.

e. *Consideration of renewing lease agreement with the State of Delaware for the Prince George's Chapel for 2 years*

There are no changes to the lease agreement. Motion to approve the 2 year lease agreement was made by Councilman Chandler and seconded by Councilwoman Ulrich. Motion carried with all in favor.

VIII. OLD BUSINESS

a. *Review of proposed ordinance to amend the Municipal Code of the Town of Dagsboro, Delaware, to adopt conditional use zoning classifications in all zoning districts defined in Chapter 275; to authorize the Planning and Zoning Commission to review conditional use applications by amending Section 34-8; to adopt a definition of "Conditional Use" by amending Section 275-8; to adopt a procedure to review, determine and regulate conditional uses by adopting new Section 275-47 entitled "Conditional Uses"; to provide notice requirements for conditional use applications by an amendment to Section 275-63; and to provide for Site Plan Review and approval of a conditional use application by amending Section 275-40*

A representative of the Office of State Planning said that they didn't see that this was an issue that would have to cause an amendment to the comprehensive plan, and does not need to go through PLUS review. The Office of State planning has not issued their comments as of yet. We will continue to wait until we receive their comments to bring it to a public hearing and vote.

b. *Consideration of setting a public hearing on amending Chapter 238-7(B)(22) of the Dagsboro Code regarding timing of completion of subdivision streets.*

A motion was made by Councilman Chandler and seconded by Vice Mayor Baull to set a public hearing on this proposed amendment during the July meeting. Motion was carried with all in favor.

IX. PUBLIC COMMENT

Jim Thompson states that phase 1 of the Woodlands of Pepper's Creek is 100% complete. The bond on file is phase 1 only. The 30% threshold was breached in 2009 with the previous developer. The bond should have been called 3-4 years ago against the original developer. Completion date was to be given in 2 weeks as stated in the April 28, 2016 homeowners meeting, it is now 7 weeks. The street does not belong to the association. The declaration between Schell and Fernmoor specifically excludes the roadways. How can a developer designate the maintenance of their road to the residents? No further comments at this time.

At 7:30 p.m. Vice-Mayor Baull made a motion to enter Executive Session and it was seconded by Councilman Chandler. All were in favor motion carried.

X. EXECUTIVE SESSION

- a. *Discussions regarding sale of property on Vines Creek Road*
- b. *Personnel Matters – Discussion of personnel matters in which the names, competency, qualification and abilities of individual employees will be discussed*

XI. RE-ENTER REGULAR SESSION

At 8:00 p.m. Councilman Chandler made a motion to re-enter regular session and Vice-Mayor Baull seconded the motion. All were in favor. Motion carried

- a. *Consideration of sale of property on Vines Creek Road*

Councilman Chandler made a motion to list the Town owned property on Vines Creek Road for sale with Steve Timmons of Berkshire Hathaway Home Service/Gallo Realty for \$99,500 and to attempt to negotiate a better commission rate. Councilman Baull seconded the motion. All were in favor. Motion carried.

XII. ADJOURNMENT

At 8:01 p.m. Vice-Mayor Baull made a motion to adjourn the meeting. Councilwoman Ulrich seconded the motion. Motion carried with all in favor.

Respectfully submitted,

Amelia Ronco
Town Clerk