

Minutes

DAGSBORO TOWN COUNCIL

Bethel Center – 28307 Clayton Street

Monday, June 19, 2017

I. CALL MEETING TO ORDER

6:00 p.m.

Meeting was called to order by Mayor Baull at 6:00 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Norwood Truitt, Councilwoman Theresa Ulrich, Town Administrator Cynthia Brought, Engineer Kyle Gulbranson, and Attorney Rob Witsil. Council Members Patrick Miller and William Chandler and Police Chief Floyd Toomey were absent. See attached sign in sheet for other members of the audience.

II. PUBLIC COMMENT

Cathy Flowers takes walks several times a day and suggested the town consider a fine for long grass. Town Administrator Brought stated they do have one, but it takes a long time because a certified letter must be sent and then the property owner must be given time to respond or cut it before the town can proceed.

III. PUBLIC HEARING

A. COURT OF APPEALS – PROPERTY TAXES FISCAL YEAR 2017-2018

Attorney Witsil informed those present of the rules for the Court of Appeals for the property taxes for the Town of Dagsboro for the 2017-2018 fiscal year. Eric Piner has not been previously sworn in for the Town of Dagsboro so Attorney Witsil swore him in, according to the Town Charter, section 23B. Attorney Witsil then informed those present that the floor will be open for those with an appeal and that they need to state their name, address, and the property owner holds the burden of proof.

Dina Mach, of 29180 Shady Creek Lane, stepped forward. She first moved into The Woodlands at Pepper's Creek four years ago and was the first to settle on the model similar to the one that is currently being built. There have since been thirteen subsequent homes built, twelve have settled. Mrs. Mach stated that her home has the lowest square footage of all fourteen homes, but that she noticed last year that six people have more square footage than her home, but have a lower tax assessment. The tax assessments have been re-evaluated and now twelve people have a lower assessment than her home. She has a flyer from the building showing that the homes range from 1,862 square feet to 2,055 square feet. Her house is a twin home – the house that is attached to hers was the model home so it has all of the bells and whistles and is larger, but was assessed at \$3,700 less than her own home. That property is 29178 Shady Creek Lane. She stated there is not a lot of difference to these homes – the only options are a sunroom as opposed to a screen porch, or a bumped out bedroom. They are also a condominium association so all of the property owners own a percentage of the land; the unimproved lots are all assessed at \$16,000, but she is not sure how the numbers are done causing the differences.

Mr. Piner responded to the land first. He stated that the assessments are \$16,000 for the unimproved lots, but that it is \$20,000 for landscaped or improved lots. Mr. Piner did look at the assessment

differences and sent a revised assessment list. Mrs. Mach stated she did receive that, but her assessment was only lowered \$300, but her neighbor's assessment was lowered \$3,700 and they have a bigger house. Mr. Piner asked if the ceilings are different where the first floor ends and the second begins. Mrs. Mach responded that they are all exactly the same and wasn't sure if the town has any files on the properties when they go to settlement. Attorney Witsil stated that the town does not have any files. He asked Mrs. Mach if she has an appraisal done on the property. She replied that since they are all so new, she has not had one done. He asked if she has any lists of comprobable sales of units that are identical to hers or similar to hers. Mrs. Mach replied that she did not have any with her, but it would be easy for her to get. Attorney Witsil asked for a copy of the floor plan. Mrs. Mach did have the floor plan with her.

Mr. Piner stated unit 201 is for sale and it shows 2,211 square feet so that had confirmed to him that he was correct. Mrs. Mach stated her base square footage is 1,862 with a sunroom that is 128 square feet getting it to 1,990 square feet and the bedroom is 50 square feet to make the total 2,040 square feet. Mr. Piner asked about the finished bonus room over the garage. Mrs. Mach replied that is all exactly the same. She said two people converted their garage to finished space and only three have a screened in porch. Mrs. Mach stated she could get any additional data by the next day. Mr. Piner stated he would like to measure the home also to confirm the square footage and Mrs. Mach agreed to that.

Attorney Witsil asked those present if anyone else had an appeal. The Town Council kept the Public Hearing for the Court of Appeals for 2017-2018 fiscal year property taxes open until 6:30 p.m., in case anyone with an appeal was running late. Attorney Witsil then asked again if anyone was present for an appeal of their property taxes. Having none, Councilwoman Ulrich made a motion to close the Public Hearing for the Court of Appeals for the 2017-2018 fiscal year property taxes. Vice-Mayor Truitt seconded. All in favor.

IV. APPROVAL OF MINUTES

- a. May 11, 2017 – Special Meeting
- b. May 15, 2017 – Town Council Meeting

Vice-Mayor Truitt noticed a repeated word on page two of the Town Council Meeting Minutes that needs to be removed.

Councilwoman Ulrich made a motion to approve the Special Meeting minutes and the Town Council meeting minutes, with that correction. Vice-Mayor Truitt seconded. All in favor.

V. CONSENT AGENDA

- A. Police Department Report
- B. Treasurer's Report
- C. Administrative Report

Vice-Mayor Truitt brought up the computers freezing at the office. Town Administrator Brought stated she has to keep shutting her computer down. Vice-Mayor Truitt stated if they are eight or nine years old,

they should be replaced. Town Administrator Brought stated they were not new at that point – they were refurbished so they are even older. Councilwoman Ulrich thought Stacey’s was new and Vice-Mayor Truitt didn’t think it was that long ago they were replaced. Town Administrator Brought stated that Bill from Solutions Plus had a print out that showed when the computers were replaced. However, a new computer wouldn’t cost a thousand dollars – they can be a few hundred. Town Administrator Brought agreed and said Solutions Plus recommended to put one in the budget every year. Each time she walks away from her computer it freezes. Councilwoman Ulrich asked if that can be fixed, but Town Administrator Brought replied that she was told it couldn’t because all of the space on the computer is being used.

All of the computers have been re-wired for the internet and that has helped. As the wiring people were down in the basement, they did find one area full of water. Councilwoman Ulrich asked if the sump pump would work, but Town Administrator Brought stated it sounds like it has been in there a long time. Bob Flowers, Town Maintenance, stated he could try the sump pump, but is not sure it would be able to hold up with that much water. Councilwoman Ulrich suggested getting it pumped and then dry sealing the basement. Mayor Baull suggested contacting Blades since the town has a contract with them. Vice-Mayor Truitt also suggested Town Administrator Brought get a quote for computers and bring it to the next meeting.

D. Economic Development Committee

E. Building Official Report

F. Code Enforcement Report

Mayor Baull informed town resident Cathy Flowers, that Town Administrator Brought has sent some letters regarding tall grass and weeds. Mrs. Flowers agreed that she knows she is doing that, she just didn’t know if there was a fine that could be charged because sometimes that will get better results.

G. Meeting Reports

H. Water Department Report

Town Administrator Brought previously sent an e-mail to council members about the low chlorine of the water. It is still low, with a reading of .09 today. Marc from Artesian and Bob Flowers, Maintenance, will be going to the Interconnect meter to get a reading there the next day. Councilwoman Ulrich clarified that it is supposed to be at three and our reading isn’t even at one. Town Administrator Brought confirmed that is correct. Councilwoman Ulrich asked if it is safe to drink. Town Administrator Brought has been told that at this point, it is fine, but if it keeps continuing, that is when bacteria can start. She has contacted Sheldon Hudson, the Town Manager for Millsboro, and he was trying to get in touch with Kenny from Millsboro’s Water Department to see what is going on.

I. Prince George’s Chapel Cemetery Report

J. Correspondence

Motion to approve the consent agenda was made by Vice-Mayor Truitt and seconded by Councilwoman Ulrich. All in favor.

VI. PLANNING & ZONING COMMITTEE

A. Horace & Margaret Clark Subdivision Recommendation

Brad Connor, the Planning and Zoning Commission Chairperson, could not be at the meeting. Co-Chairperson Flowers informed Town Council that the Planning and Zoning Commission is in favor of the subdivision of the Clark property.

B. Shipwrecked Temporary Seasonal Tents – Arts & Crafts Vendors Recommendation

The Planning and Zoning Commission was also in favor of Shipwrecked using tents on weekends as long as they are back against the building and not an obstruction to vision. They were concerned about parking, but Terry Ober, Shipwrecked owner, was going to check with Mr. Parsons, who owns the empty lots next door, if they could be used for parking.

C. Welsh – Bob Brooks (builder) – Combine 2 Lots in Prince George’s Acres Recommendation

The Planning and Zoning Commission also does not oppose combining the two lots owned by the Welsh’s in Prince George’s acres.

D. Temporary Sign – Marvin Steen, Entrance at Prince George’s Acres for Lots for Sale

The Planning and Zoning Commission approves a temporary sign for Mr. Steen and recommends approval for thirty days instead of the fifteen days that was previously suggested.

VII. NEW BUSINESS

A. Horace & Margaret Clark Subdivision

Mr. Jerry Clark was present to represent his parents, Horace and Margaret Clark. They own a lot on Cannon Street and would like to subdivide the lot to put their house on one lot and sell the other lot. Mr. Gulbranson informed the Town Council that this parcel is behind Moon Plumbing and is a little over 20,000 square feet in size. The Town Center District requires a 10,000 square foot lot and both lots are compliant with this requirement and the set-back requirements. The twist to this property is that there is not water available to this lot or to Cannon Street – a water line would need to be provided from New Street. Mr. Clark informed the Town Council that is the main reason they would like to sell the other lot – to try to make up the cost of running water to the lots. Councilwoman Ulrich and Mayor Baull stated they don’t have a problem with this. Councilwoman Ulrich would rather see a home on the property than a vacant lot.

Mr. Gulbranson stated a subdivision application for the same property was submitted about seven years ago, but the applicant never moved forward with the process. Attorney Witsil checked with Mr. Gulbranson that all front, side, and rear set-backs can all be met and Mr. Gulbranson confirmed they can. Attorney Witsil also asked if the applicant will be providing the water infrastructure at the owner’s expense. Mr. Gulbranson responded that is correct. Attorney Witsil asked about sewer service and electric to the lots. Mr. Gulbranson stated that sewer actually runs down Cannon Street so it does service the lots and is not an issue and there is electric. He stated that this parcel was once part of the

parcel where Moon Plumbing is now and Moon Plumbing gets their water from Main Street so that is probably why Cannon Street was never serviced with water.

Attorney Witsil stated this is going through as a Minor Subdivision so it does not need the formality of a Public Hearing. Mr. Gulbranson confirmed that is correct.

Vice-Mayor Truitt made a motion to approve the subdivision application as submitted. Councilwoman Ulrich seconded. All in favor.

B. Shipwrecked Temporary Seasonal Tents – Arts & Crafts Vendors

Vice-Mayor Truitt stated that it looks like the tents will not be out beyond the bump-out on the building, according to the drawing, and so he does not see it as a hindrance. Councilwoman Ulrich asked if the tents are being put up permanently for the summer or if they will be taken down each day. Mr. Gulbranson responded that it will just be Saturdays or possibly Sundays, and it will be set up that morning and only up during their business hours. Town Administrator Brought stated that she did make the owner aware they will have to pay the vendor fee of \$12.50 per vendor.

Councilwoman Ulrich made a motion to approve the temporary, weekend tents for Shipwrecked. Vice-Mayor Truitt seconded the motion. All in favor.

C. Welsh – Bob Brooks (Builder) – Combine 2 lots in Prince George’s Acres

Councilwoman Ulrich asked if two lots can be combined, could a lot then be separated into two lots. Mr. Gulbranson doesn’t think that would be the case because the lots would not meet the zoning requirements. Attorney Witsil asked if the lots were originally designated as individual building lots. Councilwoman Ulrich said she bought two lots, but didn’t realize until she got the deed that they had been combined. Mr. Gulbranson stated that this is an older subdivision and people were allowed to buy multiple lots, but then the county would combine all of the lots into the one parcel number. Councilwoman Ulrich stated she has two separate parcel numbers.

Mr. Gulbranson stated that on the drawing, there are lot numbers and some people chose to purchase more than one lot. In this case, Sussex County has assessed both of the lots as a separate parcel number so in order for the owners to build the house where they would like, they need to combine the lots. Councilwoman Ulrich understands that reasoning and has no problem with the Welsh’s combining their lots.

Councilwoman Ulrich made a motion to approve the combining of the two Welsh lots, as it has been submitted. Vice-Mayor Truitt seconded. All in favor.

Councilwoman Ulrich stated she hopes they keep some of their trees. Mr. Gulbranson stated there is a tree preservation ordinance and will look at it further to see what the requirements would be for this property.

D. Temporary Sign for Marvin Steen – Entrance to Prince George’s Acres for Lots for Sale

Councilwoman Ulrich stated this has been done before and they hated it. He put up three four-by-four posts and a big sign and everybody in the development hated it. Attorney Witsil asked what this proposal is for. Councilwoman Ulrich stated a four-by-eight sign with three posts and he wants to put it

on the left side, so he is doing the same thing as before. There is already something there that they were supposed to get rid of and never did and the walls are crumbling down.

Vice-Mayor Truitt asked if Mr. Steen took the signs down after the thirty days when he was given permission previously. Councilwoman Ulrich stated that they were left up and she had to take pictures and come to a meeting about it. Vice-Mayor Truitt stated if they approve this, they will need to make sure it is only for thirty days, not thirty and one. Co-Chairperson for the Planning and Zoning Commission Cathy Flowers shared it is a temporary sign, not a permanent sign. Councilwoman Ulrich asked why it needs to be a four-by-eight sign because that is pretty big. She stated if Mr. Steen made the entrance more aesthetically pleasing, more people would probably be apt to purchase lots in the development.

Attorney Witsil stated that this is before them to decide if it would be allowed – it does not have to be approved. Councilwoman Ulrich asked if she is allowed to vote on it since she lives in the development. Attorney Witsil replied that it would be up to her to determine if she has a conflict of interest. She also shared a concern that there may be power lines in the area, as they are all underground in the neighborhood.

Mayor Baull stated the sign didn't fit the special event category for a temporary sign and asked if Councilwoman Ulrich recused herself, if it would need to be tabled because that only leaves two council members. Mr. Gulbranson responded that Mr. Steen was considering it a temporary sales event. Attorney Witsil replied that they do have a quorum, if they choose to vote on this matter.

Councilwoman Ulrich feels that if Mr. Steen puts up the sign, it will end up staying up longer than it should. Vice-Mayor Truitt made a motion to table approval/disapproval for the sign and inform Mr. Steen that he needs to come up with an idea that meets the code and then the Town Council will re-consider. Councilwoman Ulrich seconded the motion. All in favor.

Attorney Witsil had a question after the fact, as to whose property the sign would be on, if there is a homeowner's association (Councilwoman Ulrich stated there is not), or if it would be the property owner's of the corner lot or the State of Delaware Right-of-Way. His legal decision would be that there is not enough information given as to where the sign is going and on whose land it will be. Councilwoman Ulrich stated she has a corner lot and has been told the corner is not her property, but it is an easement. Attorney Witsil stated there is not enough information to make a decision at this point.

E. Adoption of Tax Assessment List for Fiscal Year 2017-2018

To clarify, Attorney Witsil stated the Town Council heard one appeal from Dina Mach for 29180 Shady Creek Lane. She has stated her case and will submit additional evidence in the morning to the Town Administrator, who will pass it on to the tax assessor. The Town Council will then entertain the appeal at the next meeting in July. Mr. Piner is also going to re-evaluate 29174 Shady Creek Lane because he could pull up sketches for the vacant properties, but for some reason, that property was only showing land value.

A motion to approve the tax assessment list for the fiscal year 2017-2018, with the exception of 29180 and 29174 Shady Creek Lane (pending their re-evaluation) was made by Vice-Mayor Truitt and seconded by Councilwoman Ulrich. All in favor.

F. Vote on Police Salary Increase

Town of Administrator Brought informed the Town Council that Chief Toomey could not be at this meeting because he is at the school board meeting to represent the Town for the possibility of the School Resource Officer.

Vice-Mayor Truitt asked if he is correct in reading that greater than 12 years of service the Chief of Police would make \$55,120. Town Administrator Brought confirmed this. Councilwoman Ulrich informed Vice-Mayor Truitt (who was absent at the last meeting and missed the discussion), that the Council was in favor of the salary increases because they did not want to lose any of the police officers.

Vice-Mayor Truitt made a motion to accept the police salary increases. Councilwoman Ulrich seconded the motion. All in favor.

G. Adoption of Budget for Fiscal Year 2017-2018

Councilwoman Ulrich asked if the Town will be okay. Town Administrator Brought replied that she thinks it will be okay – she estimated low for categories that the Town made more money on this year.

Councilwoman Ulrich made a motion to approve the budget for the fiscal year of July 1, 2017 through June 20, 2018. Vice-Mayor Truitt seconded the motion. All in favor.

H. State Representative Rich Collins - \$1,000 toward DE Solid Waste Authority Designated to Town of Dagsboro; needs to be accepted by June 30th

Town Administrator Brought informed the Town Council that it is money to use the landfill. She and the town maintenance person had discussed putting a couple of trailers by the park for people to clean up their properties and get rid of trash, old appliances, etc. However, that could be determined later, if the Council chooses to accept the money.

Vice-Mayor Truitt made a motion to accept the \$1,000. Councilwoman Ulrich seconded. All in favor.

I. Contract with Artesian (Licensed Operator Services) – ends June 30, 2017; new contract through June 30, 2018

Councilwoman Ulrich asked about the cost. Town Administrator Brought stated that it is the same, but that she would like permission to research costs for other water operator services for possibilities next year (it is too late for this year). Alpine and Schrock are a couple of possibilities that are in the business now. She would ask for a proposal from them for next year.

Vice-Mayor Truitt made a motion to approve the contract for July 1, 2017 through June 30, 2018. Councilwoman Ulrich seconded. All in favor.

J. Summer Break – Town Council Break – Determine Month Off

The Town Council must meet in July so August makes the most sense. Vice-Mayor Truitt made a motion for the Town Council to take the month of August off from meeting. Councilwoman Ulrich seconded the motion. All in favor.

VIII. OLD BUSINESS

A. Nominations Board of Adjustment – Replace Ed Burton

Vice-Mayor Truitt stated he has been told Janice Kolbeck is interested and he nominates her for the Board of Adjustment. Mayor Baull asked for her to come to next month's meeting and the Town Council can move forward at that point.

B. Bob Flowers – Update of Beautification of Town Hall and the Median on 113

Bob Flowers stated that he, Town Administrator Brought, and Officer James Joles have gone to Southern States and received suggestions on low-maintenance plants. Southern States donated eight Stokes' Aster plants and two Moonshadow Euonymus plants and a thirty pound bag of Preen. This will take care of the southern part of the intersection on Route 113, where the mulch is already down. On the northern side, all of the old shrubbery is out and Officer Joles is going to borrow his father-in-law's front end loader to get the weeds cleared out. Then he will order the same plants for the north end, this time the town will have to pay for them. The plants will be about \$200 and the same plants will be ordered for in front of Town Hall, which will be an additional \$100 or \$150. The sign at Town Hall has not made as much progress. Rick Weber will be doing the sign and gave the impression that after he received the first half of the money, the sign would be complete in two weeks, but has not made any progress a month later. Mr. Weber did also give a proposal of \$1,360 for fixing the signs on the highway, but Officer Joles and Mr. Flowers agreed that some soap and water to clean them up would be fine – cars going by at 55 miles per hour won't notice the little bit of paint chipping on the signs. Vice-Mayor Truitt suggested the chipping could be touched up later down the road. Mr. Flowers stated with everything else cleaned up, it won't be that noticeable. He stated the structure of the signs is currently fine and in two or three years, replacing the signs could be discussed.

IX. PUBLIC COMMENT

There was no public comment made.

X. ADJOURNMENT

A motion to adjourn the meeting was made by Vice-Mayor Truitt and seconded by Councilwoman Ulrich. All in favor. Meeting was adjourned at 7:07 p.m.

Respectfully submitted by;

Megan Thorp
Town Clerk