

*Minutes*

**DAGSBORO TOWN COUNCIL**

**Bethel Center – 28307 Clayton Street**

**Monday, August 1, 2016**

I. CALL MEETING TO ORDER

6:00 p.m.

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

II. PUBLIC COMMENT

Bob Flowers: A vehicle hit the utility pole. The volunteer fire department saved the sign, the hardware and climbed the pole and saved the banner. By being on their toes and looking out for us they saved us 200-300 dollars. Draft a letter to thank them.

Dina Mach: Wanted clarification that the 30% to 90% for street standards won't apply to the remainder of Shady Creek Lane. The proposal will not be retroactive and applies to the whole community, not the phases.

Motion to close public comment was made by Councilman Chandler and seconded by Councilwoman Ulrich. All were in favor.

III. PUBLIC HEARING & VOTE

- A. An ordinance to amend Chapter 238, Section 238-7, entitled "Subdivision of Land", "Design Standards", to revise the requirements of Section 238-7B(22) for street improvements within subdivisions.

James Thompson wants to know why the code wasn't enforced 7 months ago. He thinks it should be at 65-75%.

Peter Sorge of Shady Creek Lane suggests we table this until we can come up with a better completion percentage.

Dina Mach wants to make sure we still protect the tax payers and not the developers and make sure that the streets get finished by the developer.

Carol Thompson wants to know if the agreement to pave the road with Fernmoor is verbal or in writing. This will be answered at a later time in the meeting.

A motion to close public hearing on this matter was made by Councilman Chandler and seconded by Councilwoman Ulrich. All in favor.

Some communities have a completion time frame of a specified number of years or a percentage. Mayor Truitt suggested 75% or 7 years. Councilwoman Ulrich thinks the later percentage is better so that we are not responsible for damages caused by continued development. A 5 year from the final site

plan approval is more of an appropriate time frame. A motion was made by Councilman Chandler to table the vote until the next meeting and was seconded by Councilman Miller. All were in favor.

B. Removal of Planning Commissioner – James Thompson

Mr. Thompson confirmed that he is a part time paid employee of Fernmoor Homes. Councilman Chandler suggested that it would be better if Mr. Thompson would step down but would not hesitate to make the motion to have him removed for the better of the town. Mayor Truitt stated that Mr. Thompson seems to be preventing the meetings from moving forward. Mr. Thompson states he intends to stay on Planning and Zoning. Scott Crater states that he thinks that Mr. Thompson is using his status to his own discretion for the subdivision and at the last meeting he was very hostile and argumentative because his agenda was not included. For cause reasons for removal were listed as lack of courtesy, disruptive at meetings, raising issues not on the agenda as contrary to Delaware Law, mainly the Freedom of Information act, and potential conflict of interest. Motion was renewed to close out the hearing by Councilman Chandler and seconded by Councilman Miller. All were in favor. A motion was made by Councilman Chandler to remove Mr. Thompson and was seconded by Councilman Miller. All were in favor to remove Mr. Thompson from Planning and Zoning.

IV. APPROVAL OF MINUTES

A. May 23, 2016 – Executive Session Minutes

Motion to approve the minutes made by Councilman Chandler and seconded by Councilwoman Ulrich. All in favor

B. June 20, 2016– Town Council Meeting

Motion to approve the minutes made by Councilman Chandler and seconded by Councilwoman Ulrich. All in favor

C. June 20, 2016 – Executive Session Minutes

Motion to approve the minutes made by Councilman Chandler and seconded by Councilwoman Ulrich. All in favor

V. CONSENT AGENDA

A. Police Department Report

B. Treasurer’s Report

C. Administrative Report

D. Economic Development Committee

E. Building Official Report

We received an estimate from Fernmoor Homes on completing the streets. We made the recommendation to complete the streets was lower. Their estimate was \$375033.91. AECOM recommended bond be set at \$551387.66. They have agreed to that and have gone to get the bonds.

Public works agreements will be drafted for approval for phases I II and III by the next meeting. Base coating and curbing will be completed mid-fall.

#### F. Code Enforcement Report

Councilwoman Ulrich asked what the next step in the code enforcement violation was. Stacey said we have had no response from the violator and will have to go to court to enforce the violations.

#### 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.

### VI. PLANNING & ZONING COMMITTEE

No meeting was held in July

### VII. NEW BUSINESS

A. Consideration of Change of Use Application – Olszewski Family, Inc. 29118 Piney Neck Road  
proposed Use: RV & Marine Accessories, fishing tackle & bait, camping & beach supplies and kayaks  
There will not be any boats or RVs stored outside of the property. There will not be any parts or accessories outside. A daytime display of kayaks will be on the side of the building. The owner is now aware that the dumpster needed to have a visible screen around it. Motion to approve the application was made by Councilman Chandler, seconded by Councilwoman Ulrich. All was in favor.

B. Consideration of hiring a Town Clerk to fill vacancy.

This would be a second part time position and would be a different set of duties from the current Finance Clerk. Adding 2 part times gives flexibility in case of event of absence. This 2<sup>nd</sup> position can take the duty off the Town Administrator of the water meter reading. Stacey will be leaving as Administrator as of August 10. She will be available to assist the town in the transition. Can Amelia be trained to do everything that Stacey could do? The answer was yes. Amelia will be full time during the transition period of hiring the Town Administrator and the part time Town Clerk and would potentially go part time when both positions are settled.

C. Consideration of amending Chapter 275-21A (13) to allow for on-street parking for business customers for temporary stands, carts or farm wagons provided that the property is not located within a specified distance of an intersection.

We had discussed on street parking but so many feet from an intersection. 50 feet was added but can be more or less. A police department concern was people passing, even in the no passing zone, cars on the shoulder would have been a hazard. Would the no parking within 50 ft. of an intersection prohibit them from opening the business? No, they would have to show on their plan that they can't use the no parking area. We need to get with Del-Dot to establish the parking on our streets. This item needs to be sent to Planning and Zoning.

D. Discussions on amending the Dagsboro Code to prohibit business activity on a property housing a condemned structure.

Mr. Witsil has prepared a draft ordinance. This prohibits business and commercial uses on condemned lands. Business and commercial uses, either temporary or permanent in nature, are prohibited to be conducted upon any lot or portions thereof that are subject of an order of condemnation by the building official or court of competent jurisdiction. We need to set a public hearing for this. Motion for public hearing was made by Councilman Chandler and seconded by Vice Mayor Baull. All were in favor.

E. Consideration of purchasing a new or used police vehicle for the Police Department to replace an existing one.

2009 Crown Vic is costing over \$1000 a month in repairs with over 300,000 hours in use on it. The Town of Greenwood was holding a 2011 unmarked, black, police package, Chevy Tahoe with 63,000 miles, already equipped with lights and bars. They are offering it to the Police Department for \$16,000. There are no grants available for vehicles. This is a 4 wheel drive vehicle. We can get rid of the Blazer, and the blue Crown Vic, take stuff out of the current Crown Vic and use for code enforcement and police back up. If the vehicle is purchased, Chief will be the user of the vehicle and will get a grant to mark it. The purchase of this would give us a reliable fleet for the next 4-5 years. There is not a large surplus in the General fund budget. It was suggested to take it out of the Transfer tax account or cash in a CD and risk a penalty. Water funds can be used as well to fund this as they are policing the towers and such. This is a public safety issue and financial issue. Councilman Chandler made the motion to purchase the vehicle out of the transfer tax fund, sell the other cars and replenish that. The motion was seconded by Councilwoman Ulrich and all were 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

The office of State Planning didn't feel the need to review this. The ordinance is in our hands to schedule or deliberate further and is ready for public hearing or not. A motion to send this to public hearing in September was made by Councilwoman Ulrich and seconded by Vice Mayor Baull. Councilman Chandler does not feel the ordinance is necessary. We have had a difficult history with conditional uses. This will be expensive to the Town as it invites the opportunity for litigation. The motion was rescinded by Councilwoman Ulrich and seconded by Vice Mayor Baull as Councilman Chandler would not be present. A motion to have a public hearing in October was made by Vice Mayor Baull and seconded by Councilwoman Ulrich. All were in favor.

B. Consideration of amending 275-72E(1) to require any nonconforming sign shall be removed and brought into compliance within 5 years of the date of enactment of this section or change of ownership or licensee, whichever occurs first.

Right now there is no 5 year limit, it is just when there is a change in ownership or license. We need to write something to exclude the theater. This applies to the Town Center District. There are

approximately 22 signs out of compliance. An exemption to signs need to be added to protect the historical landmarks. Recommendation for now is keeping the ordinance as is. This has been tabled and will have a review done by Planning and Zoning to revisit this. Councilwoman and Mr. Witsil agree there should not be a 5 year limit.

#### IX. PUBLIC COMMENT

Dina Mach suggested that we go to quarterly billing to save on man hours. It had been that way in the past but people complained about the cost of those bills. There were a list of reasons why we did not keep doing that. By doing this monthly we can tell if there is a leak with the residents' water.

Bond requirement for Woodlands of Pepper's Creek is \$15,000 per their bank letter.

#### X. ADJOURNMENT

A motion to adjourn was made by Councilman Chandler and seconded by Vice Mayor Baull. All were in favor.

Respectfully submitted by;

Amelia Ronco  
Finance Clerk