

Minutes of Meeting
Dagsboro Town Council
Bethel Center 28307 Clayton Street
Monday- February 22, 2016

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, Town Solicitor Mr. Witsil, Kyle Gulbranson from AECOM and others listed on the sign in sheet.

II. Certificate of Achievement- IRHS Boys Soccer Team

Mayor Truitt informs the Council that the Indian River High School Boys Soccer Team won the Delaware Division II State Championship on November 21, 2015. The Town of Dagsboro presented a certificate of achievement.

III. Public Comment:

There was no public comment from the audience.

IV. Presentation- South Eastern Readiness Team

Christine Olley from the organization presented that the area starts from Dagsboro to the Maryland state line. They are funded through the Early Learning Challenge Grant and they are in the final 6 months of the grant. The goal is to partner with communities and agencies so children are ready for school. For the past two years they have been learning what the communities want which is activities to do in the evenings and on weekends. Ms. Olley informs the Council that the program has an opportunity, with approximately \$5,000 left in the budget, to create a plan for families and children. The grant looks at families from birth to 3rd grade. The team meets once a month at Cozy Critters with home visitors, school district personnel and child care providers. Ms. Olley would like residents from the Town to come together and talk about possibilities for the community. The \$5,000 grant money has to be used by June 30, 2016. Other communities have created community gardens, book mobiles and held community events. Ms. Olley states that they picked three target towns which are Selbyville, Frankford and Dagsboro to divide the money. Council agreed that they will look into this and get back to her.

V. Approval of minutes:

Councilman Chandler made a motion to approve the December 14, 2015 minutes. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

VI. Consent Agenda:

Chief Toomey states that the criminal complaints is the highest they have ever been. It was 100 more than the last ten years. Savannah Square has a lot to do with the numbers. There have been two housing developments which contribute to the population. He states that shoplifting is out of control because of the heroin epidemic. There are two open rape investigations in the town. Mr. Banana's activity has dropped off drastically since he has spoken to the General Manager of the Savannah Square Corporation. Chief informs the Council of Corporal Kurten's resignation. He then reads the letter to the Council. Corporal Kurten will be working part-time for the town and full-time in Selbyville. Chief has been actively seeking a full-time officer. Councilman Chandler asked if the \$20,000 that was seized

would come back to the town. Chief states it goes to the SLEAF fund. Once the money is cleared, he will request the money from SLEAF which is regulated on what it can be spent on. Councilman Chandler would like Chief Toomey to research obtaining a red light camera for the stoplights. Chief informs the Council that it takes a lot of man hours if one was placed in town since someone would have to constantly view the recordings and they do not have the coverage.

Stacey has placed the latest information regarding the online credit card payment for the water billing in the addendum report a convenience fee of \$2.00 per transaction which is passed on to the customer, the implementation fee which is paid by the town for \$125.00. That is a onetime fee. The monthly maintenance fee would be \$50.00 per month and it would be an additional fee to have a credit card machine in the town hall if we chose to. Vice Mayor Baull suggests placing a survey on the water bills asking customers if they would be interested in the options of paying by credit card at the town hall, online or paying by check.

Mayor Truitt informs Council that there is \$13,500 in delinquent accounts for property taxes. Swamp Road has been partially fixed and construction will begin in the spring. Vice Mayor Baull made a motion to approve the consent agenda. It was seconded by Councilman Chandler. All were in favor. Motion carried.

VII. Planning & Zoning Committee Report: -Downtown Development District Task Force Meeting #2 & #3
Kyle informed Council that the discussions were focused on district boundaries and goals for the area. The next meeting will be March 17, 2016 and they will discuss the incentives the town could offer for people to open businesses. Mr. Crater states that there is a lack of parking in town. In his opinion he thinks the town should raise money and buy the Adkins' property on Vines Creek Road and the property located on Piney Neck Road and making it a municipal parking lot. Kyle suggested putting up signs to let people know where they can park in town.

VIII. New Business

- a. Consideration of partnering with the South Eastern Readiness Team
Mayor Truitt states the information given by Ms. Olley will be reviewed.

- b. Discussion and consideration of setting a public hearing on an ordinance to amend the Dagsboro Code to adopt conditional use zoning classifications in the following districts: C-Commercial District by adopting new section 275-16(I); HC-Highway Commercial District by adopting new section 275-17(G); LI-Light Industrial District by adopting new section 275-18(G), TC-Town Center District by adopting new section 275-21(K); to authorize the Planning & Zoning Commission to review conditional use applications by amending section 34-8; to adopt definition of "Conditional Use" by amending section 275-8; to adopt a procedure to review, determine and regulate additional uses by adopting new section 275-47 entitled "Conditional Uses", to provide notice requirements by an amendment to section 275-63; and to provide for site plan review of a conditional use application by mending section 275-40.
Kyle recommends adopting conditional uses because someone could come to town with a business idea that has never been considered and it just wasn't thought of when the permitted uses for each district were adopted. It gives the town flexibility when something arises instead of having to change the code to add it to the permitted use list for a particular district. Mr. Witsil informs Council that the old conditional use ordinance had a one year time period, which made the applicant have to reapply every year. That was different from the County's conditional use process. If someone acquires the conditional use, they could sell their property subject to the

same use and the acquiring party could continue with the conditional use and he suggests if Council does adopt conditional uses that they consider that. If applicants stray from the conditions in their conditional use, then it could be revoked. The Building Official would have to enforce the conditional uses. Mr. Witsil states the disadvantage is it gives discretion to the Council to grant a use that might be inappropriate in the zoning district. Mr. Witsil has limited it to Commercial Districts and kept it out of the Residential Zoning District. For example an applicant could not apply for a lawnmower repair shop in the Residential District. The County has an occupational verbiage such as beauty salons as a home occupation which is limited to size and it can be issued by the Building Official by letter. Councilman Chandler recommends home occupations to be added because home occupations are in the Residential District. Kyle states there are home occupation accessory uses to a Residential structure in the code. Councilman Chandler suggests the Planning Commission review the proposed change to the Town's ordinance to allow conditional uses. Councilwoman Ulrich made a motion to approve the resolution to set a public hearing for the April 25th meeting. It was second by Vice Mayor Baull. Councilman Chandler opposed setting a public hearing because he is not sure if it is a good decision for the Town. Also, he is reluctant to commit the town to the expense of a public hearing in the advertising of the change before the Planning Commission can review the proposed change. Motion carried by 3 in favor and 1 opposed.

C. Consideration of setting a public hearing to amend Chapter 146-3(E) to add a new subsection (3) to specifically list commercial rentals and storage units under the per unit license requirement.

Stacey researched the surrounding towns and looked at how much they charged for rental licenses. Historically the town has always had rental licenses. It was \$75.00 per unit in 2006 for commercial and residential. It does not clearly specify that commercial entities need a rental license if they lease out Commercial space. Mr. Crater suggests charging the owner a one-time fee of \$75.00. He gives an example of the antique dealer who is renting 10X10 stalls in the community. He asks if that is the same as the storage unit because they have income coming in. The owner of Savannah Square pays \$75.00 for each unit once a year. In the code it specifically states apartments, cottages, houses, hotels, motels or inns. The Commercial language needs to be added to the code to make it clear. Per unit is already in the code for residential. The language Stacey researched is similar in a lot of towns which states storage units or commercial buildings or structures which rent or lease space or other facilities. The storage facility is in the Town Center District and the Light Industrial District. Cea-Dag pays \$75.00 per unit and there is forty units in the development. Mr. Witsil informs Council that they have the authority to reduce the charge per unit. Mr. Crater asks if someone wants to open a consignment shop, do they tell the town how many rental units he will have so he can pay a smaller fee. Councilman Chandler agrees with Kyle to put excluding consignment, mini storages and like spaces. Mr. Witsil will draft an ordinance and it will be on the March Town Council agenda to possibly set a public hearing.

D. Review and discuss Section 238-7(B) (22) of the Dagsboro Code regarding timing of completion of subdivision streets.

Kyle informs Council that most other towns within their subdivision ordinance have a standard percentage of 75% completion where the developer is required to complete the streets. The Town of Dagsboro is at 30% completion. It has become an issue with residents of the Woodlands. Some of the residents have looked up this information in the code and they are questioning the town as to why we are not requiring the roads to be finished. Kyle suggests

changing it to 75% and he hesitates to add language about phasing because depending on how the development is structured and the layout. Phase 1 in the Woodlands is more than 30% complete. Councilwoman Ulrich states 30% doesn't give a developer enough revenue to complete the roads. It was asked what if a developer walks away and left the roads unfinished. Stacey explained that we require a 125% performance bond from the developers prior to start of construction. If they walk away we just call the bond and have it completed with those funds. Kyle is to look at other town's language and report back to the Council at the next meeting.

E. Consideration of approving the installation/purchase of security devices needed within the Municipal Building.

Mayor Truitt states that an in home security camera system is not expensive and it can be purchased at Walmart or BJ's with 4 cameras. The police department has the same system installed. Chief states the concern is not the viewing but the stopping of people entering the town hall in an irate state. He states that the staff has had issues with the public. People would bypass the Clerk and go to Stacey about their problems or concerns. Mayor Truitt suggests a push button release at both the staff's desk. Stacey agrees with Mayor Truitt's suggestion. Stacey states in her 15 years of working she has never felt threatened, however there was a recent incident that she is aware of when she was out of the office. The Clerk felt threatened and someone else was present when the incident happened and because she was there alone, they stayed because of the actions of the irate person. The incident was regarding the police department but all the officers were out of the office at the time. Mayor Truitt and Stacey also agreed that a swing gate would be beneficial for the boundary limits in the waiting area. Councilwoman Ulrich would like to start with cameras and a buzzer to let the staff know when someone enters the building. Chief Toomey addressed the irate individual and told him he would be arrested if he was to enter town hall again. Chief Toomey suggests asking Bob in maintenance for his idea about a partition at the clerk's desk.

F. Review and consideration of purchase order policy and recurring payments.

The auditors' recommendations suggest that a policy needs to be established for purchases by the Town. They suggest making a list of recurring payments that the Council looks at the beginning of the year authorizing payments to the recurring vendors. Councilwoman Ulrich states that they see checks that are written and she doesn't have a problem with the list. Stacey informs Council that she placed in their packets a list of vendors and the 3 step process on the purchase orders and approval requirements. The billing process will be anything from \$1.00 to \$300.00 would have to be signed by the Administrator. Anything from \$301.00 to \$500.00 will require the Administrator's approval and one other Council person. Anything from \$501.00 to \$999.00 would require the Administrator's and two Council persons approval. Any purchases relating to the police department would require the Chief of Police's signature in addition to the other signatures outlined above. Anything over \$1000.00 would need to be voted on at a Council meeting. If something is purchased on the town's credit card it would have to comply with the credit card policy that was adopted a few years ago. Councilman Chandler made a motion to accept the purchase order policy and the preapproved vendors list. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

G. Consideration of entering into the MOU with Sussex Community Correction Center for the 2016 Grass Cutting Season for the Town of Dagsboro & Prince George's Chapel Cemetery.

There was no price increase this year, so the price is still \$600.00 per cut every other week for the town. It is approximately \$1200.00 a month. The price for the cemetery is \$2,550.00 a

season. Councilman Chandler made a motion to approve the MOU for the Town cuttings and the perpetual care of the cemetery. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried.

IX. Public Comment:

Mr. Crater would like for Jayne's Reliable to remove the car and camper that is located in front of the business to the rear. He has concerns with it being an eye sore and against the code. He also has concerns with a freight container located at Porto Pizza. He states that Dagsboro Paint & Wallpaper has an unenclosed dumpster while Porto Pizza had to enclose theirs. He thinks that it needs to be defined in the code so everyone is held to the same standard. He mentioned that several businesses are selling their products outside, while others are told no outside sales. Mr. Crater has an issue about the Woodlands sidewalks not being in place. He also states he hasn't received a letter about when they will be placed in the development. Kyle ensures the Council that they will be receiving the revised plans in March 2016. Grating changes have been incorporated in the sidewalk improvements.

Cathy Flowers suggests telling residents that if they are interested in paying their water bills online there will be an additional fee.

X. Executive Session:

a. Personnel Matters- Discussion of personnel meters in which the names, competency, qualification and abilities of individual employees will be discussed.

Vice Mayor Baull made a motion to enter Executive Session at 7:47 p.m. It was seconded by Councilwoman Ulrich. All were in favor. Motion carried. At 8:24 p.m. the Council re-entered regular session with a motion made by Councilman Chandler and seconded by Vice Mayor Baull. All were in favor. Motion carried.

There were no items to vote on from Executive Session.

At 8:25 p.m. Councilwoman Ulrich made a motion to adjourn the meeting. It was seconded by Vice Mayor Baull. All were in favor. Motion carried.

Respectfully Submitted,

Autumn Gardner-Town Clerk