

*Minutes*

**DAGSBORO TOWN COUNCIL**

**Bethel Center – 28307 Clayton Street**

**Monday, February 26, 2018**

I. CALL MEETING TO ORDER

6:00 p.m.

Meeting was called to order by Mayor Brian Baull at 6:01 p.m.

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

II. PUBLIC COMMENT

No public comments were made.

III. APPROVAL OF MINUTES

A. January 22, 2018 – Town Council Meeting

Councilman Chandler made a motion to approve the meeting minutes for January 22, 2018. Councilman Miller seconded the motion. All in favor.

IV. CONSENT AGENDA

A. Police Department Report

Chief Toomey informed Council that Officer Nick Disciullo started February 1<sup>st</sup> and has been doing very well. He will be present at the next council meeting for introduction. Chief Toomey also informed Council that Tyler Bare will be promoted to Lance Corporal on March 1<sup>st</sup>. Mayor Baull expressed congratulations to Officer Bare for his nomination of the Valor Awards. He and Town Administrator Brought were able to attend the ceremony for the awards.

B. Treasurer's Report

C. Administrative Report

Town Administrator Brought asked for Town Council's permission to research the street scape decal at the intersection of Clayton Street and Main Street. It is wearing off and has potholes in it. From what she has heard, it might have a guarantee of some sort.

Mr. Gulbranson remembers that Del-Dot has looked at it and it was determined that the turning motion of the cars produces more friction on the plastic. Councilman Truitt asked if Del-Dot or the contractor they used for the street scape project, approximately ten years ago, would be the contact person for the guarantee. Mr. Gulbranson stated it would probably be the manufacturer, but thinks it would be worth

looking into. Chief Toomey and Mr. Flowers recall that there was a lot of excess material and it even deteriorated just sitting in storage – the company told them just to throw it away.

Town Administrator Brought mentioned maybe it needs to be considered to have it removed. Councilman Truitt asked if another kind of material could be used. Mr. Gulbranson stated that it had been discussed to use pavers, but due to the volume of traffic, that probably would not hold up either. Mr. Gulbranson also stated there is a similar treatment at the intersection of Route 20 and Route 54 and it is having the same problem.

Councilman Chandler stated he doesn't see the harm in allowing Town Administrator Brought to look into this. He also suggested cobblestones as an option. Mayor Baull suggested Town Administrator Brought not spend an abundance of time on it, but that it certainly wouldn't hurt to contact the manufacturer.

Councilman Chandler expressed concern over the property on Hazzard Street that has been removed and the new home that will be replacing it. Town Administrator Brought replied that they have not submitted plans for the new home. The plans, when submitted, will address the concern over the setbacks. He also asked about the status of the two properties that had letters sent requesting a structural engineer. Town Administrator Brought replied that both letters had been received and she has been in contact with both property owners. They are aware that they have thirty days to submit a report from a structural engineer. Councilman Chandler also asked about the problem properties on Swamp Road. Town Administrator Brought replied that she is working on sending letters out to them.

Councilman Chandler also asked for an update on the maintenance position. Town Administrator Brought replied that they have had two interviews so far. Kurt Czapp passed on the position after the interview because he really wanted full-time. The other interview was with a Mr. Brough and seemed like a good fit. There will be two more interviews next week. There were six applicants and two of them had already passed.

- 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 Councilman Truitt. All in favor.

## V. PLANNING AND ZONING

### A. Re-organization of Planning and Zoning on February 1, 2018

Brad Connor will remain President, Cathy Flowers will remain Vice-President, and Commissioners Earl Savage, Scott Crater, and Cindy Gallimore will all be continuing. Town Administrator Brought will act as secretary.

B. Recommendation on Kern's Property 33626 Main Street & any other comments on the Planning and Zoning meeting held on February 1, 2018

Mr. Connor was present to inform the Council that the Kerns had come before Planning and Zoning on February 1, 2018. They are ready for a preliminary approval – they just have two things to add to their plans. Planning and Zoning is recommending that pending those two items being added to the plans, Council moves forward with scheduling a public hearing for a preliminary approval.

Attorney Witsil stated that he does not agree with the new portion of the building not meeting the required setback. He doesn't know of anywhere in the code that would allow for the new portion to be exempt from the setback. Attorney Witsil does not agree with the level of non-conformity not increasing. Mr. Gulbranson explained that with a non-conforming building, it can be allowed to expand as long as it does not increase the level of non-conformity. In this case, the building is on the property line. Attorney Witsil stated that the existing building can stay. He read subsection F from Chapter 275, Section 34 of the code, which states, "Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which does not meet all the yard requirements, may have additions to the principal building and/or construct an accessory building without an appeal to the Board of Adjustment provided: (1) the total permitted building coverage is not exceeded; (2) the accessory building and/or any addition do not violate any other requirements of this chapter, such as, but not limited to, height, setback, and parking." Attorney Witsil believes the new portion on the west side of the property needs to meet the setback. Mr. Gulbranson stated for the Town Center District, the side setback is eight feet, but there is a provision that the setback can be waived. Attorney Witsil stated they would need a waiver along with their recommendation to Town Council, otherwise they would need a variance from the Board of Adjustment for the new portion of the building. Attorney Witsil stated his opinion is that they need to acquire a variance or adjust the size of the new addition. He is not sure that this meets the code requirements in 275-34, subsection F. Vice-Mayor Ulrich expressed concern about the cost for the property owners to go for a variance and how that would possibly stop the project. Councilman Chandler asked if there is an obligation to notify the adjoining property owner. Attorney Witsil replied that the variance application notifies the adjacent property owners.

Attorney Witsil recommended that the Planning and Zoning Commission considers a waiver at the next meeting. He informed that the waiver is found in Chapter 275-40, subsection B3. Councilman Chandler stated that if the commission were to recommend a waiver, he would want the adjoining land owner to be apprised of that.

Councilman Chandler expressed concern over parking. Vice-Mayor Ulrich responded that Del-Dot granted permission for the Kerns to use on street parking. Councilman Chandler is concerned that people will still use The Clayton Theater. It was discussed that The Clayton Theater could post signs that the parking is for their business only. Vice-Mayor Ulrich stated it isn't going to be a very large restaurant. Councilman Chandler asked Chief Toomey if he is comfortable with all of the cars parking on the street for Serendipity, The Clayton Theater, and the restaurant. Chief Toomey replied that he doesn't think there are enough parking spaces for everybody at one time. Mayor Baull stated it would just be the theater and restaurant because Serendipity would be closed in the evening. Mr. Gulbranson stated that when Del-Dot looked at the parking for the restaurant, they came up with forty parking spaces on the street.

Vice-Mayor Ulrich stated she would really like to see something be done with that building and Councilman Truitt agreed – he stated that they need to apply for a waiver. Mayor Baull asked Town Administrator Brought to add this to the agenda for Thursday's Planning & Zoning meeting.

- C. Review and possible acceptance of Planning and Zoning Rules document by Town Council; these rules were voted on and unanimously accepted by the Planning and Zoning Commission at the February 1, 2018

Town Administrator Brought stated that she found these rules and just changed the meeting times and when plans and reports need to be submitted. The Planning & Zoning Commission voted to use the rules.

Councilman Chandler made a motion to accept the Planning & Zoning Commission rules document. Vice-Mayor Ulrich seconded the motion. All in favor.

Mr. Connor also informed Council that the Planning and Zoning Commission spent a lot of time on the sign ordinance and examining other towns to find a way to make the sign ordinance more concise. Mr. Connor himself has received several complaints from businesses that parts of the ordinance are not clear. He also knows of people that try to get around the ordinance because they interpret it another way. The sign ordinance will make it easier on Town Administrator Brought because it will be clear to the businesses and it will please the businesses because it will help them get the sign they want.

## VI. NEW BUSINESS

- A. Nancy Feichtl – Presentation to Town Council regarding Senior and Visual Impairment Transportation Services

Mrs. Feichtl gave a brief presentation of the services she is offering for those in the area that need transportation services.

- B. Upcoming Events – Easter Egg Hunt and 75<sup>th</sup> Anniversary for Fire Company – Brian & Cindi

Mayor Baull informed the rest of the Council that the Easter Egg hunt will be on March 24<sup>th</sup> at the old fire hall on Waples Street, starting at 10 a.m. First Choice Services is the main sponsor of the event.

Town Administrator Brought informed the Council that she does not have many details yet for the Fire Company parade. They would like the Mayor to present them with a declaration of some kind. The parade will be on April 14<sup>th</sup>.

- C. Meeting with local business owners February 22<sup>nd</sup> and Savannah Square property management, owner, real estate, and Economic Development on February 15<sup>th</sup> – Brian & Cindi

Town Administrator Brought informed Council that they met with the Savannah Square owners, property management, and real estate agent. There are issues with the liquor store and damage to their products, mold in the building, etc. and she wanted to see how things are going since it is so empty. At the meeting, the property owners and management stated they would like to see it become a professional complex with doctor, dentist, and law office types of businesses, but they are waiting for current leases to run out. Bill Pfaff of Economic Development was also present at the meeting and suggested meeting with businesses such as Byler's to see if they have any interest in coming down to Savannah Square. The real estate representative said that he has been receiving more interest lately

than he has in a long time. Town Administrator Brought was concerned about Jamestown Painting, but discovered they are being held up by the county (the town permit was approved back in July). As far as the liquor store, there are two different sides to the story, but the owner was surprised to see the condition.

Vice-Mayor Ulrich mentioned Dollar General. Mayor Baull stated that Dollar General causes some of the problems in Savannah Square because they have a two page list of businesses that they can object to coming into the same shopping center. However, the owner wasn't too concerned because that contract was with the original owner.

Mayor Baull informed the Council that on the 22<sup>nd</sup>, he and Town Administrator Brought had a round table discussion with the businesses in town. The meeting was well attended. There were a lot of questions and concerns about the sign ordinance. Mayor Baull stated that it was good just to have them all in the same room together because even though a lot may know each other, they haven't had a chance to discuss business and the town.

Councilman Miller attended the meeting and was also impressed by the attendance. He stated that he and his wife would like to continue the business relationships and asked if there were e-mail addresses to contact the owners. Town Administrator Brought stated that a list of contacts and e-mail addresses is being comprised. She had heard that there was interest in meeting quarterly and if a concern arises that the town would need to get involved, they could contact the town at that point.

Mayor Baull encouraged the businesses to get involved because it is a challenge to know how things will affect businesses until after the fact and then the businesses raise concern, when it is too late. He encouraged them to come to council meetings or pass concerns along to Town Administrator Brought to share at the meetings.

## VII. OLD BUSINESS

### A. Report on Cannon Street Project – Bob Flowers

Mr. Flowers informed Council that the Cannon Street project is about 99% complete. Matt Messina will come back to seed yet and that is the final step. The concrete did run more than what was previously thought – two more sections of the sidewalk had to be removed, but it is now finished and the homeowners are happy.

### B. Discussion on moving forward with the creation of a new version of the sign ordinance that was presented to Town Council in July 2017 after changes were reviewed by P & Z Commission; this was turned over to Rob Witsil to put in Ordinance form for further review by Town Council - Cindi

Attorney Witsil did not put this into ordinance form yet. He had some questions and notes. He stated that sign ordinances are the most difficult. He is happy to discuss his notes, but does not feel this is the time to go over each one. He changed some of the wording to statutory verbiage. He does ask that his notes be sent back to the Planning and Zoning Commission for their approval or disapproval. Mr. Gulbranson received Mr. Witsil's notes and has incorporated them into what the council has before them.

Cathy Flowers, Co-Chairperson for Planning and Zoning stated the purpose was to make the sign ordinance clear to eliminate arguments from businesses, but they could look at it again if Mr. Witsil has questions. Mayor Baull agreed it is a fine line between the legal terms that must be in place, but also making it easy for businesses to understand. Mrs. Flowers agreed the signs had been a big issue in the past. Mayor Baull confirmed that it still is, based on the business meeting he recently held.

Mr. Gulbranson also mentioned that there have been issues with real estate signs so there is also an addition for that in the packets the council members have.

Councilman Miller asked if other businesses had asked about the "Open" flags. Town Administrator Brought replied that it was only one e-mail (from the Millers), but she has heard other verbal complaints about it, mostly the antique stores.

Mayor Baull asked how far down the Town Center District goes and suggested the Planning and Zoning Commission consider flags for that district. Mr. Gulbranson replied that it goes all the way down Clayton Street to Chapel Crossing.

#### VIII. PUBLIC COMMENT

Mr. Flowers asked for permission to close Town Hall for an hour on April 27<sup>th</sup> to take the staff to Dagsboro Days for lunch for his retirement. Town Council members were in agreement that this would take place anyway.

Vice-Mayor Ulrich expressed thanks for getting an Easter egg hunt organized for the town.

#### IX. ADJOURNMENT

A motion to adjourn the meeting was made by Councilman Chandler and seconded by Vice-Mayor Ulrich. All in favor. Meeting was adjourned at 7:11 p.m.

Respectfully submitted by;

Megan Thorp  
Town Clerk