***Minutes***

**DAGSBORO TOWN COUNCIL**

**Bethel Center – 28307 Clayton Street**

**Monday, January 27, 2020**

1. CALL MEETING TO ORDER

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

In attendance were: Mayor Brian Baull, Vice-Mayor Patrick Miller, Councilman William Chandler, Councilwoman Theresa Ulrich, Town Administrator Cynthia Brought, Police Chief Steven Flood, and Town Engineer Kyle Gulbronson. Councilman Norwood Truitt was absent. See attached sign in sheet for other members of the audience.

1. CHIEF FLOOD

AWARD PRESENTATIONS SGT. DISCIULLO AND CPL. VALENTI

Chief Flood introduced Corporal Anthony Valenti who joined the Dagsboro Police Department on January 6th. Chief Flood presented Sergeant Disciullo and Corporal Valenti both with an exceptional arrest award. Chief Flood stated that Corporal Valenti was on routine patrol and attempted to conduct a traffic stop for a registration violation, however, the vehicle failed to stop and after a short pursuit the suspects’ vehicle became disabled and the suspect fled on foot. The suspect was eventually taken into custody by officers after a lengthy foot chase. The suspect was later determined to be a robbery suspect from Laurel Police Department and this apprehension directly led to the positive identification of the suspect and his coconspirators in the case.

Chief Flood presented Sergeant Disciullo with an award for attempting to stop a stolen motor vehicle traveling down Main Street, however, the vehicle fled and the dangerous pursuit ended with the suspects’ vehicle crashed and both suspects fled on foot. Sergeant Disciullo was able to take the driver into custody in a wooded area after a foot chase. Assisted by other officers, they were able to locate the second suspect hiding in a nearby shed. Both suspects were apprehended.

1. PUBLIC COMMENT

No public comment was made.

1. PUBLIC HEARINGS

AN ORDINANCE TO APPROVE AND ADOPT THE 2019 TOWN OF DAGSBORO COMPREHENSIVE DEVELOPMENT PLAN UPDATE AS PREPARED AND RECOMMENDED BY THE TOWN OF DAGSBORO PLANNING AND ZONING COMMISSION.

Town Administrator Brought confirmed notice of this public hearing.

Mayor Baull asked for public comments for and against adoption of the 2019 Comprehensive Plan Ordinance and being there was no public comment for or against the Ordinance adopting the 2019 Comprehensive Plan, Mayor Baull closed the Public Hearing.

Mayor Baull opened discussion to the Town Council. Mayor Baull asked if all of the issues questioned during previous meetings had been taken care of and Town Engineer Gulbronson stated that everything was addressed in the Plan. The Office of State Planning reviewed the Plan and recommended approval. Town Engineer Gulbronson stated that once the Town Council approves the Resolution it gets incorporated into the Draft Plan and then it gets sent to Dover and the Governor signs it; we are then done for ten years. Councilman Chandler asked if the Plan gets published and bound like the one he has from 2015. Town Engineer Gulbronson stated that it will be bound in the same manner once the Resolution gets incorporated and then copies will be made for the Town Council. Councilman Chandler stated that the Plan he has is dated 2015and inquired if this planning occurs every five years. Town Engineer Gulbronson stated that every five years the municipality has to review the Plan and at the five year anniversary we can either say that the Plan is sufficient and does not need any changes or we can make changes. Town Engineer Gulbronson believes that the Town made changes to some of the maps in the 2015 Plan and stated that you truly do not have to do anything for ten years unless something needs to be modified. Councilman Chandler stated that he reviewed the last draft of the Plan before final approval and doesn’t recall if there are areas outside of the Town of Dagsboro which are identified in the Comprehensive Plan as potential growth and development areas. Town Engineer Gulbronson stated that yes, there is an annexation area. Town Engineer Gulbronson stated that when development projects take place in those areas the County is to notify the Town. On those maps, anything contiguous to the Town of Dagsboro in the annexation area and can be annexed into Town limits. Councilman Chandler stated he has come across an example of how this can become negative and have a harmful effect to a property owner. He represents a client who owns a very large farm parcel directly contiguous to a town. The town has identified this property as a potential future growth area. By doing that, the parcel immediately becomes not eligible, nor qualifies for farmland preservation, under the States Farmland Preservation Act. Councilman Chandler stated that he thought it sounded illogical, but when he spoke to the folks in the Department of Agriculture who run the Ag Land Preservation process, they explained that when a town identifies an area as in its potential growth area the Ag Land Preservation people do not believe it’s a wise use of their funds to acquire those rights because the town is identifying it instead as an area that it would like to use perhaps as a growth area. Councilman Chandler stated that he has a problem with that philosophically as that was agreed upon without the property owner’s consent or agreement and the property owners have to live with the consequences. Town Administrator Brought asked Mr. Gulbronson if these areas could be taken out of the growth area. Town Engineer Gulbronson stated that it could if there is an issue. The property owner would have to petition the town to be taken out of the growth area. Town Engineer Gulbronson stated that the property owner could also place a conservation easement on the property that would protect the property. Councilman Chandler stated that the conservation easement is different because you don’t get an upfront payment; the property owner who dedicates land in the Farmland Preservation Act is dedicated perpetually. They do an appraisal of the farm value and an appraisal of the development value and the differential is what is paid to the property owner. Therefore, the conservation easement is not an attractive option to a person who is at retirement age. Town Engineer Gulbronson stated that under those circumstances, the Ordinance and the Law need to be changed because it discourages property owners.

Councilman Chandler stated that there is a lot of work that goes into these and he doesn’t want his comments to be taken as demeaning or denigrating to the work and effort that you, Cindi and other staff have put into a redraft of the Comprehensive Plan. Councilman Chandler stated that his problem is that the State of Delaware imposes this obligation on small towns, as well as large towns and the counties and it’s an unfunded mandate. The State doesn’t help us by contributing to the cost of generating this report. Town Engineer Gulbronson stated that years ago they did provide grant funding and that policy ended probably about ten years ago; you could get planning grants for this type of work and we talk to the State every time we go to a PLUS meeting about it being a burden for small towns to do these plan, as they require them to do the Plan, and they should invest in their small towns. Councilman Chandler stated that the qualification that he has is the cost that it imposes on us to do it. The other qualification of concern to Councilman Chandler was that when he looked back at the 2015 plan, there is no enforcement and no accountability mechanism; he counted at least 35 different recommendations that were to be implemented over a period of two to ten years and he counted less than a handful of those thirty-five recommendations that had been implemented, which is partly a fiscal problem along with limitations. Councilman Chandler stated that his concern is that if we adopt these things, it makes you think about the future; there is the cost, lack of accountability and enforceability of the plan. Town Engineer Gulbronson stated that he and Town Administrator Brought can reinforce those comments about the financial burden and the grants. Councilman Chandler stated that he is going to submit a letter to the local representatives and bring this to their attention.

Vice-Mayor Miller motioned to approve and adopt the 2019 Town of Dagsboro Comprehensive Plan Development Update as prepared and recommended by the Town of Dagsboro Planning and Zoning Commission. Councilwoman Ulrich seconded the motion. Councilman Chandler abstained. Town Council vote was 3-0-1.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAGSBORO PROPOSING TO CONSIDER AMENDING CHAPTER 210 PROPERTY MAINTENANCE OF THE TOWN CODE TO ADDRESS ISSUES AND PROBLEMS OF WEEDS, TRASH, RUBBISH, ABANDONED VEHICLES, BOATS, WATERCRAFTS AND TRAILERS WHICH HAS BECOME A GROWING PROBLEM WITHIN THE TOWN.

AN ORDINANCE TO AMEND CHAPTER 210 PROPERTY MAINTENANCE OF THE TOWN CODE TO ADDRESS ISSUES AND PROBLEMS OF WEEDS, TRASH, RUBBISH, VEHICLES, BOATS, WATERCRAFTS AND TRAILERS ON RESIDENT’S PROPERTIES WITHIN THE TOWN OF DAGSBORO.

Town Administrator Brought confirmed notice of the public hearing.

Mayor Baull asked for public comment for or against the Resolution or Ordinance for Chapter 210; being that there was no public comment for or against the Resolution or Ordinance for Chapter 210 Property Maintenance, Mayor Baull closed the public hearing.

Councilman Chandler summarized the amendments being proposed for Chapter 210 Property Maintenance. Everything that is underlined on the Ordinance amending Chapter 210 is what is new to the Code (copy of Ordinance attached).

**Chapter 210-1 – Maintaining a nuisance**

The amended Ordinance added on more specific nuisance details such as, tree limbs, logs, lumber, piles of dirt, or rubbish of any kind. The Code Enforcement Officer will issue a civil penalty of $100 and if the civil penalty is not paid within thirty (30) days of the date of the citation/invoice or unless an appeal was filed within (15) days to the Town Administrator for a final decision, the fine shall double and shall be added to the property tax bill as outlined in this article.

**Chapter 210-2 – Notice to remove; Collection of costs**

Courtesy notice is given when the Code Enforcement Officer observes a violation of this article; the Code Enforcement Officer shall place a courtesy notice of violation on the door of the property requiring abatement of the violation within five (5) calendar days of the posting notice. For vacant properties, notice shall be posted in a prominent location on the property.

Mayor Baull asked for a motion to approve both the Resolution and Amended Ordinance for Chapter 210 Property Maintenance if there was no further discussion.

Councilman Chandler motioned to approve the Resolution. Vice-Mayor Miller seconded the motion. All were in favor.

Councilman Chandler motioned to approve the Ordinance to Amend Chapter 210 Property Maintenance of the town code to address issues and problems of weeds, trash, rubbish, vehicles, boats , watercrafts and trailers on residents properties with in the town of Dagsboro. Vice-Mayor Miller seconded the motion. All were in favor.

1. APPROVAL OF MINUTES
   1. December 16, 2019 – Town Council Meeting
   2. December 16, 2019 – Executive Session

Councilwoman Ulrich made a motion to approve the meeting minutes for the December 16, 2019 Town Council Meeting and Executive Session minutes. Councilman Chandler seconded the motion. All were in favor.

1. CONSENT AGENDA
   1. Police Department Report
   2. Treasurer’s Report
   3. Administrative Report
   4. Economic Development Committee
   5. Building Official Report
   6. Code Enforcement Report
   7. Meeting Reports
   8. Water Department Report

Town Administrator Brought stated that we are still having issues with the meters reading. Joe has been manually reading over 200. We have been in contact with Master Meter and they cannot explain what the issue is.

* 1. Prince George’s Chapel Cemetery Report
  2. Correspondence

Mayor Baull asked for a motion to approve the Consent Agenda; Councilman Chandler motioned to approve the Consent Agenda. Councilwoman Ulrich seconded the motion. All were in favor.

1. NEW BUSINESS
   1. DBA – Audrey Miller/Art Blanchette - Banners

Audrey Miller stated that a big goal of the Dagsboro Business Alliance, aside from bringing businesses and the community together to strengthen our town is to make Dagsboro more of a destination instead of what many call it as a “pass through town”. Previously the Town Council helped the DBA with implementing the open flags throughout town. To help improve our image we are proposing to you a similar effect in regard to the banners throughout town. DBA is aware that the American Legion Post 24 donated money for the banners as well and DBA is proposing is in addition to that donation. Art Blanchette of Alert Motivations presented the Town Council with a price list and possible banners. Some of the DBA members have already expressed interest in buying the banners for their business. DBA would like to be involved with the acquisition of the new banners and would like to have some of the banners identifying local businesses. Others flags/banners could be generic with “Welcome to Dagsboro.” We are proposing at this time, to possibly implement this new design when the snowflake banners come down. Bethany Beach, for example, have banners that say “Bethany Beach the Quiet Resorts” and they are promoting their town through the banners. DBA is wanting to help with 50% of the cost of the banners. Councilwoman Ulrich asked Town Administrator Brought to correct her if she was wrong but she thought we were discussing doing away with the banners due to the cost of putting them up and down throughout the year. Mayor Baull proposed that he and Audrey setup a meeting to discuss the banners further. Mayor Baull was thinking to possibly include anyone in town the ability to purchase flags for a family member or in remembrance of someone. Mayor Baull stated that the goal of the town is to get flags that can stay up all year round and that way we only have to get the bucket truck when dealing with Christmas lights.

1. OLD BUSINESS
   1. Update on the new police vehicles – Chief Flood

Chief Flood stated that we have possession of the new Tahoes and we are waiting on parts for the up-fitting. The silver Tahoe has already been marked. Town Administrator Brought stated that she received the financial approval documents and needs to move forward with the 36 month option for financing. Mayor Baull asked for a motion to accept option 1 on the financing of the new police vehicle with a three year lease term with a payment of $1,100.91 per month. Vice-Mayor Miller motioned and Councilwoman Ulrich seconded and all were in favor. Chief Flood stated that the old Explorer has been stripped of all equipment and we will be posting pictures and an ad to sell the vehicle. We will accept closed bids for two weeks.

1. PUBLIC COMMENT

No public comment was made.

1. ADJOURNMENT

Councilwoman Ulrich motioned to adjourn. Councilman Chandler seconded the motion. All were in favor.

Meeting adjourned at 6:56 p.m.

Respectfully Submitted,

Stacy West, Town Clerk