

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center
Monday, October 21, 2024

I. CALL MEETING TO ORDER

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

In attendance were: Mayor William Chandler, Vice-Mayor Norwood Truitt, Councilman Jason Russell, Councilman CJ Shortridge, Councilwoman Carol Thompson, Town Administrator Cynthia Brought, Chief Nicholas Disciullo, Sgt. Noah Glaeser, Cpl. JP Cullen, Cpl. Justin Wechtenhiser, Town Solicitor Greg Morris and Engineering Consultant Kyle Gulbranson. See sign in sheet for others in attendance.

II. PUBLIC COMMENT

Mary Dupont, Representative of La Plaza Delaware, stated that they work to build capacity and opportunities for Latino-owned businesses through business plan development, business coaching and relationship building. She stated that according to national data, 37% of new businesses are Latino owned and are more highly employed than other Americans at 68% compared to 56% of the rest of the population. She added that they are working, spending money and investing in their families and communities, a pathway that has been followed by many immigrant groups in our country. She added that La Plaza formed a Latino Business Membership Alliance which now consists of 400 businesses.

Mary Dupont stated that she was present to comment on the proposal that would have devastating consequences for one of their members, La Dama Mexican Restaurant and Bar. The proposal to end alcohol service at 11 PM would damage the primary line of business for La Dama, which is live music and entertainment. She added that there are very few places to go in Sussex County if someone is looking for a place to go with family/friends, especially for younger residents between the ages of 25-50. She stated that she had done research, and this Ordinance would only affect one business, La Dama. There is one other business that might have been impacted, Delmarva Billiards Sports Bar, but according to the minutes from the last Council meeting, she stated, "Mayor Chandler stated that as a taproom/bar establishment that the Restaurant Ordinance would not apply to them since the business is licensed as a "tavern" not a restaurant. Mary Dupont stated that it seems extreme to her that an Ordinance is required by the Town Council/Mayor to address their concerns about one business. She asked for the Mayor and Town Council to review this measure and work collaboratively with La Dama to find a solution that works for everyone to avoid jeopardizing La Dama's business and ability to function.

Ramon Dominguez, a local bartender and advocate for the LGBTQ community, stated that La Dama has become a safe haven and a space where everyone is welcomed and celebrated regardless of who they love. By keeping the current hours, it would not only preserve a business but preserve a home for friendship, support and building community with laughter, conversation, and memories that can

continue to flourish. Ramon Dominguez stated that they need to rally together and show their support to the owner and for many of them this bar represents a sanctuary where they can express themselves freely, a space where they are embraced for their identities and where their stories are shared and celebrated. It is a gathering place for friendship, community and support, especially for those who are isolated in the world today. This bar is not just a venue for drinking and dancing, it is a cornerstone for their LGBTQ culture and a place where laughter fills the air, where hearts are lifted and where people can be unapologetic to themselves and has provided a stage for countless performers, artists and activists who inspire all. Ramon Dominguez stated, "They are faced with challenge that is threatening to erase this vital space but together they can make their voices heard and remind the decision makers of the importance of a place that supports the LGBTQ community not just those who frequent it but for the future generation of seeking sense and community. Together let's ensure that their favorite spot remains a vibrant part of their community for years to come."

Jen Velasquez, small business owner/ Community Leader within the Hispanic Community, stated that she also serves for the National Guard Bureau in Arlington, Va. She stated that even though she still serves, she returns every weekend to be a part of her community. She added that she is speaking on behalf of her friend, Bianey Cordoba and her restaurant and how it is more than just a place to eat, it is a cornerstone of Dagsboro's economy that is currently growing, and La Dama plays a key role in attracting visitors. She stated that the restaurant actively gives back to schools and sponsors churches, which needs to be considered because if the hours are reduced, it will impact how much revenue would be coming in and how much would be given back to the community. She stated that they need to consider more than the money/alcohol because it comes down to community and service also.

Edy Morales-Yoc, Representative of the Delaware Alliance of Latino Entrepreneurs, stated that she believes reducing the alcohol serving hours would impact La Dama Mexican Restaurant due to the reduction in customer traffic and sales during peak evening hours. She added that a reduction in revenue would result in decreased hours for their employees and local artists, including her bother. She stated that the Latino community places a high value on family, and she often visits La Dama with the owner's family where they enjoy the food, music and sense of the community that is shared at La Dama. She also stated that she is the Events Coordinator with the Delaware Alliance of Latin Entrepreneurs and had reached out to La Dama to donate food for their events and they also donate to local schools and organizations.

Cheryl Lecates stated, on behalf of Delmarva Billiards, that they have never had any issues at their establishment and believes that was the Town's concern from what she had read in the paper. She added that she doesn't understand how Delmarva Billiards can be included in this Ordinance since there hasn't been any issues with them. She stated that she and her husband play pool there and have never been disrespected or seen any fights/arguments take place and everyone enjoys their time there. Cheryl Lecates stated, "I think it is sad if there is a problem with one business that another business is being punished."

David Elliott, one of the owners of Delmarva Billiards, stated that they have been at their establishment for 18 months and their business is thriving. He added that his business would be most affected with the Ordinance change and feels the Town should isolate the problem directly through a penalty system that will be discussed that evening. He stated that the State of Delaware Liquor Control Board has their own time restraints and realizes that the Town can have their own, but they worked hard to get their license. He asked the Council why several businesses would potentially be punished because of one establishment. He added that he met with a member of the Dagsboro Town Council and gave him a draft of a petition that he presented to pool patrons and in less than 2 weeks, he received 200 signatures that are against the potential change in the Ordinance.

Mr. Elliott asked the Council to reconsider the possible time change that is being proposed. He added that he supports any penalty system that would be in place and does not support any time restraints on serving alcohol.

Jennifer Clapper, co-owner of Delmarva Billiards, asked "What does it say about the Town of Dagsboro to bring in new businesses when you are putting time restraints on them?" She added that it doesn't look good for new or current businesses and if she was looking to come into a town with restrictions, then she would not bring her business there. She stated that there would be a possibility of having to move their business and that would be a loss for the Town of Dagsboro.

Jason Russell stated that he presented the petition that was presented to him from David Elliott.

Bianey Cordoba, owner of La Dama, stated that she has emphasized at the last 2 Council meetings how much she loves this community and decided to open La Dama here because she wanted to bring something new to Dagsboro. She added that all of her supporters were present, who love the restaurant. She added that it is not just a night club, it is a family restaurant that holds different types of events and supports schools/local communities. She stated that if the Ordinance is passed to limit hours for alcohol sales, it will impact her business and be a loss for the Town of Dagsboro.

Ricardo Jimenez, General Manager of La Dama Mexican Restaurant and Bar, stated that they have never had any issues/problems inside the bar. He added that he was very disappointed at the last Council meeting because they were referred to as a "bad apple" and it was disrespectful because they are not. He stated that they are Latinos, a different culture, but they have a heart and have worked hard in this country to make their space, and they respect everyone. He stated, "To be clear, La Dama has never had any problems inside their restaurant."

Mary Dupont stated that she had a question about both businesses in question. They are both less than 2 years old and when they invested millions of dollars of their own money into Dagsboro, it was under a set of circumstances that was agreeable to them. She added that now the Town wants to change the Ordinance, and she doesn't see how it can be legal because a contract can't be changed without giving warning. They should have known before they invested money and put their heart and soul into the business. Mary Dupont stated that when they opened, the conditions were set according to the Alcohol

Control Board where alcohol sales were 9 AM to 1 AM and now the Town is proposing it be changed to something else and she questioned the legality of it. She added that she isn't saying its legal or illegal, but it does not sound right based on any other contract that she has been involved in.

Mayor Chandler stated to Mary Dupont that the Public Comment section of the meeting is not a question/answer session but would be able to answer her question when they get to the Public Hearing.

Tom Morse, owner of Morse Roofing & Siding, stated that they are a large employer in Dagsboro and have a vested interest in their community and would not support fixing problems with regulations. He added that if there is a problem, it should be isolated. He stated that he employs members of the Latino community and has no problems with them. Mr. Morse stated that opening a business is a huge liability/risk and he is a small-town advocate, but their growth is imminent and to keep it a small-town community, they can't keep regulating people out of town. He stated that he has seen a lack of police presence, probably because they are dealing with problems, and business owners should address those problems themselves.

Public comment was closed.

III. PUBLIC HEARING

NEW ADDITION TO OCTOBER 21, 2024 PUBLIC HEARING:

A RESOLUTION TO CONSIDER AMENDING SECTION 275-17 (A)(5) AND 275-17 (A)(29)(a)(6) TO ADD TIMES WHEN BARS, BREWPUBS, WINEBARS AND RESTAURANTS CAN SELL ALCOHOLIC BEVERAGES AND SET PENALTIES FOR SELLING ALCOHOLIC AFTER HOURS WITHIN THE HIGHWAY COMMERCIAL DISTRICT.

AN ORDINANCE TO AMEND SECTION 275-17 (A)(5) AND 275-17 (A)(29)(a)(6) OF THE MUNICIPAL CODE OF THE TOWN OF DAGSBORO FOR THE ADOPTION OF TIMES WHEN BARS, BREWPUBS, WINEBARS AND RESTAURANTS CAN SELL ALCOHOLIC BEVERAGES AND PENALTIES FOR SERVING ALCOHOLIC BEVERAGES AFTER HOURS WITHIN THE HIGHWAY COMMERCIAL DISTRICT.

Mayor and Town Council Discussion and Possible Vote on amending Section 275-17 (A)(5) and 275-17 (A)(29)(a)(6) of the Highway Commercial District.

TABLED FROM SEPTEMBER 16, 2024 MEETING:

A RESOLUTION TO CONSIDER AMENDING SECTION 275-16 (A)(4)(A)(10) ADDING TIMES TO RESTAURANTS, EATERIES AND BARS FOR SELLING ALCOHOLIC BEVERAGES AND PENALTIES FOR SERVING ALCOHOLIC BEVERAGES AFTER HOURS WITHIN THE COMMERCIAL DISTRICT.

AN ORDINANCE TO AMEND SECTION 275-16 (A)(4)(A)(10) OF THE MUNICIPAL CODE OF THE TOWN OF DAGSBORO FOR THE ADOPTION OF TIMES WHEN RESTAURANTS, EATERIES AND BARS CAN SELL ALCOHOLIC BEVERAGES AND PENALTIES FOR SERVING ALCOHOLIC BEVERAGES AFTER HOURS WITHIN THE COMMERCIAL DISTRICT.

Councilman Russell made a motion to bring back the Ordinance that was tabled on September 16, 2024 for the Commercial District. Councilwoman Thompson seconded the motion. All were in favor.

Public Hearing was opened.

Cheryl Lecates asked if this would be the time to ask the Council a question. Town Solicitor Morris replied that once the Public Hearing is concluded, it would be turned over to the Town Council and they would have an open discussion of those in favor/against and would consider what was asked of them. He added that this is a public comment section not a question/answer section.

Cheryl Lecates stated that she is familiar with the Delmarva Billiards establishment but not La Dama Mexican Restaurant and Bar and from what she read in the newspaper, there were issues with La Dama. She added that she is not aware of any issues from Delmarva Billiards. She asked if there were any issues that the Town has had with Delmarva Billiards and asked if this is why they are being included.

Town Solicitor Morris stated that it would be discussed by the Town Council.

Chief Disciullo asked if this would be the time to discuss a timeframe on the Ordinance. Town Solicitor Morris replied, "Yes."

Chief Disciullo, of Dagsboro Police Department, stated that they are in favor of the times to serve alcohol to be set at 9 AM to midnight because they can offer coverage during these times. He added that after midnight would be hard for them to offer coverage and this is when the problem times have occurred.

Edy Morales-Yoc, of Millsboro, Delaware stated that she spends time at La Dama, which is a family restaurant/bar and doesn't understand why the alcohol serving times should be cut to midnight when there is traffic coming from Ocean City, Bethany Beach and Fenwick Island as they drive through Dagsboro. With all the heavy traffic coming through town, she would recommend keeping the serving times open until 1 AM.

Mary Dupont, of La Plaza Delaware, stated that if she heard correctly, it is a problem for the police to handle activity after midnight and that is why the police department is in favor of the times being changed and asked if that was correct.

Chief Disciullo stated that historically their highest level of incidences occurs between 1 AM-3 AM which is why they are in favor of a midnight time frame. He added that the existing Town Code was already 11 AM to 11 PM when the businesses came into Town, but there was no enforcement of it.

Edy Morales-Yoc stated that based on what they heard, both establishments stated that they have never had any problems or police calls. She added that she is trying to understand what the need for this Ordinance is and asked for more clarification on what the problem is because neither of the establishments have a problem but there must be something that they are worried about.

Chief Disciullo stated that at the September Council Meeting, they discussed that there have been assaults. Edy Morales-Yoc asked, "Where have there been assaults at?" Chief Disciullo replied, "At La Dama." He added that they have had issues with large crowds and issues with Town violations and they were served the following morning for issues in the parking lot. He added that at the last Council meeting, they discussed La Dama having armed security guards carrying firearms and body armor.

Town Solicitor Morris asked if there were any violations reported against the restaurant. Chief Disciullo replied, "Yes, there were 4 violations filed against La Dama." Mr. Morris asked if there were any convictions against them. Chief Disciullo stated that they were convicted of 3 of the 4 violations.

Bianey Cordoba, owner of La Dama, asked if the violations were because of the trash in the parking lot. Chief Disciullo replied, "Yes." Bianey Cordoba stated that there have been no other violations, and nothing has happened inside the restaurant. She added that they can't control what happens outside the restaurant. She stated that they wanted help from the police in case they needed it, but they didn't show up.

Cheryl Lecates, of Frankford, Delaware, stated that specific bars in Ocean City, Md have OC Police in the area and do not put up with any "riffraff" and asked when the Dagsboro Police Department are on duty because she never sees them when she is driving through town. She asked if there were 5 Officers on duty. Chief Disciullo replied that they have 6 slots for Officers. Cheryl Lecates stated that there are 6 Officers for this little Town and asked, when do they work? Town Solicitor Morris stated that the question about personnel issues within the town and when Officers are on duty, does not need to be answered for security purposes. Cheryl Lecates asked if they have that much riffraff in the Town? Town Solicitor Morris stated that at this point, it may be prudent to let the Town Council deal with the questions she asked. He added that they appreciate the comments, and the questions asked but at some point, it would be the Council's decision to take in all the statements that were made including hers.

Bianey Cordoba, owner of La Dama, stated that they bring in famous artists who ask for security and have 7-10-armed security officers which is why they are there, not because a crime is going to happen.

Tom Morse, of Morse Roofing and Siding, stated that whatever the problems are, they need to be addressed and added that the Town must operate like a business. He added that just because the Town

is a government entity doesn't mean that they don't have revenue/expenses. He stated that the Town and Police Department do a great job, but they have seen them being diverted in different directions. He added that a question was asked about where the Police were at and it's none of their business. Mr. Morse stated that they need to refocus on what the Ordinance is and why they are there. He stated that if a business is having a problem with their patrons, then they need to rely on the business because the Town can't handle everything, and the parking lot is part of the business.

Mayor Chandler asked Town Solicitor Morris to repeat exactly what the proposed Ordinances would do, both in terms of the timeframe and penalty.

Town Solicitor Morris stated that Section 275-17 (A)(5) and 275-17 (A)(29)(a)(6) of the Highway Commercial District would state that a bar, brewpub, wine bar and restaurant may not serve alcoholic beverages between the hours of 11 PM and 11 A.M and those who violate this section is subject to the following penalties:

First Offense: \$250.00
Second Offense: \$500.00
Third Offense: \$1000.00
Fourth Offense: \$1000.00 and suspension of business license

Mr. Morris also stated that Section 275-16 (A)(4)(a)(10) of the Commercial District Ordinance would have restrictions from 11 PM to 11 AM or later than the time when the offering of complete meals in the permanent seating dining area ends, whichever is earlier. Restaurants, eateries and bars who violate this section are subject to the same penalties as listed above. Mr. Morris added that those are the two Ordinances that the Council have in front of them with the suggested changes.

Mayor Chandler asked what the timeframe for serving alcohol in Town Center was. Engineering Consultant Gulbranson stated that Town Center's timeframe is 10 AM to 10 PM.

Mayor Chandler stated that the Town Center is different, but Highway Commercial and Commercial Districts would be the same. Town Solicitor Morris replied, "That is correct." Mayor Chandler stated that it would apply to bars, taprooms, wine pubs and restaurants. Town Solicitor Morris replied, "That is correct."

Public Comment was closed.

Mayor and Town Council Discussion and Possible Vote on amending Section 275-16 (A)(4)(a)(10) of the Commercial District regarding times of serving alcohol and adding penalties.

Councilman Shortridge asked for confirmation that there is an existing Ordinance that listed the time frame to serve alcohol shows 11 AM to 11 PM that has not been enforced. Mayor Chandler stated that

he does not believe so and that there may have been one in the past but currently it is 9 AM to 1 AM. Councilman Shortridge stated that it is the same as the State restrictions. Mayor Chandler replied, "Correct."

Mayor Chandler stated the fact that the State can set hours to serve alcohol, but local Towns can set their own hours. He added that they can't extend the hours that the State permits, but they can reduce the hours. He also stated that a lot of towns in Sussex County, not Dagsboro in particular, have done just that and this is not unusual for Dagsboro to be considering this change. Mayor Chandler stated that a town can legally adopt times that are different than the State if they don't extend the hours that the State has set.

Councilman Shortridge asked Chief Disciullo, "When you responded to the incidents at La Dama, was intoxication an issue?" Chief Disciullo replied, "Yes." Councilman Shortridge stated that it is not the sale of alcohol that is the issue but the consumption and the personality of the person consuming it. He added that it is the responsibility of the business to handle the problems that come up and if they can't handle the problem, then the Police Department would need to step in. He also added that the Police Department is not there just to assist them but to protect them. Councilman Shortridge stated that his opinion would be to increase the fines and after 3 offenses in one year, suspend their business license.

Councilman Russell stated that he is not in favor of having time restraints and doesn't feel like Dagsboro is in a place to push businesses away. He added that this Ordinance could potentially cost these businesses thousands and thousands of dollars in revenue as well as make it unappealing to future businesses that want to come to Dagsboro. He stated that he is opposed to time restraints but would support penalties to enforce the Ordinances that are already in place to make sure the businesses are held accountable.

Councilwoman Thompson stated that she was unsure as to why a restaurant would need armed guards at their business because there are other businesses that don't have them. She added that the Chief has indicated that there are concerns but agrees that if the patrons are the reason for armed guards, then maybe the patrons need to be reevaluated because this is a community concern. She stated that making changes to Ordinances "midstream" is questionable to her because she doesn't understand when midstream would be after you buy a business.

Councilwoman Thompson stated there were a lot of people at the meeting that evening that oppose the Ordinance but there are many that are in favor of it also. She added that she has spoken to several residents that are in favor of having time restraints because there are 2 types of constituents in their community. She added that she is in favor of increasing the penalties because if a business receives a penalty, that gives them time to make some changes and if they don't, the Town must step in and do something. She added that there are members of the community that are not happy with what they read in the newspaper.

Vice-Mayor Truitt stated that he would be in favor of having the alcohol serving times 9 AM to 12 AM and more enforcement with higher penalties. He added that the businesses need to realize that when incidents occur, it costs the Town/State money when either Town or State Police must assist.

Mayor Chandler stated that this issue was brought to the Council by their Police Department and asked for their help. He added that the Council has an obligation to protect the businesses in Dagsboro because they want to see them grow but with the public's safety in mind because they also have an obligation to public safety to make sure people are not in danger whether it is inside the business, in the parking lot of the business or on the highway that people drive out onto when they leave a business.

Mayor Chandler stated that he would agree to change the times because he is more concerned with public safety than he is about corporate profit. If a business can't regulate their customers, this town has an obligation to protect the public and that obligation can be fulfilled through the exercise of our Police powers. They have the power and authority to regulate hours of business if it affects public safety. He added that this is their legal authority and is why they can impose a new change to the hours like other towns have done. It is not illegal and is not a midstream change because laws change all the time.

He also stated that the risk is the clientele that frequent the establishment on the highway, which is La Dama. He added that if they could control the patrons that are causing the trouble, they would not be here having this conversation. Mayor Chandler stated that perhaps they can try to achieve the same goal perhaps in an alternative way. He stated that one way would be to have better enforcement by the State authorities because they are aware of the issues going on and will be monitoring it. They may be able to count on them to have oversight responsibilities and obligations with respect to restaurants, bars and taverns doing a better job of enforcement. He added that he understood the concern about their Police Dept. being able to monitor this problem, but they are a small force who cover a large area with a lot of different issues, and it would be unfair to expect them to spend all their time in one location monitoring the problems there.

Mayor Chandler stated that the second alternative could address the concerns as to why the Town is punishing every business when there is only one business that deserves the punishment, which would be for the Town to adopt a Public Nuisance Ordinance. At that point, our Code Enforcement Officer would be able to determine whether there are infractions from creating a Public Nuisance. He stated that a danger to public safety and trash thrown all over the parking lot would both be considered infractions and it would enable the Town through the cessation of a business license or through other sanctions to deal with that singular public nuisance. There is more than one way to address a problem so that it doesn't impact others who aren't implicated by the problem.

Mayor Chandler stated that if the Council was willing to adjust the hours, he would need a motion to proceed. He added that if they are willing to adjust only the penalties, they can do that because it has been publicly noted and the Ordinance can be addressed that way. He stated that they can adopt one part of it or all of it or make modifications.

Councilman Shortridge stated that he was in favor of changing the penalties for the first offense \$1000.00, second offense \$2000.00 and third offense \$5000.00 including business license suspension within a 12-month period and leave the alcohol serving hours at 9 AM to 1 AM.

Councilman Russell asked how long the business license would be suspended for. Mayor Chandler stated that they would have to reapply for a new license. Councilman Shortridge stated that it would be an indefinite suspension and would be more of an incentive to not lose their license. Mayor Chandler stated that part of the sanction would be list how long the license would be suspended for and would need to be listed in the Ordinance. Town Solicitor Morris agreed because the length of time was not set.

Councilman Russell stated that he felt \$1000.00 for the first offense was too extreme. Vice-Mayor Truitt asked if \$500 was reasonable. Councilman Russell stated that he would be comfortable with \$500 for the first offense. Mayor Chandler asked if he understood that the violation that triggers the fine is for serving alcohol after 1 AM or before 9 AM. Councilman Russell stated that he would be fine with the \$1000 fine then for the first offense.

Councilwoman Thompson asked for confirmation that if they only change the fines, then they would only be adopting part of the Ordinance. Mayor Chandler replied, "Correct." Councilwoman Thompson added that the business owners have stated that they would lose a lot of income if the hours were changed from 1 AM to midnight and wondered how much revenue would be lost or is the bulk of the revenue earned before 1 AM. Councilman Russell stated that the proposed Ordinance is 11 PM so it would be 2 hours of lost revenue. Councilwoman Thompson stated that she doesn't want to hurt the businesses and suggested changing the Ordinance to midnight to help make things safer. Mayor Chandler stated that all they have is testimony that it would be a disaster for the two businesses if their hours were cut but they have no proof showing what their loss in revenue would be.

Councilman Russell referred to September's Council Minutes and stated that he asked Chief Disciullo if the incidents happened in the hour after closure time or throughout the night and his reply was throughout the night. Chief Disciullo added that most of the issues had to be dealt with the next day because they were reported so late. He then asked, "if there have been issues after closing, were they at 2:30-3:00 AM" and Chief Disciullo stated, "not recently because we have been having coverage at the establishment." Councilman Russell stated that Chief Disciullo basically stated that the issues weren't happening the hour after closing but were happening 2 hours after closure and asked if that was correct. Chief Disciullo replied, "No, the hours of issue specifically with the assault that happened was around 1:30-2:30 AM." Councilman Shortridge asked for confirmation that La Dama closes at 1 AM. Councilwoman Thompson stated that they stop serving alcohol at 1 AM.

Vice-Mayor Truitt asked the owner of La Dama what time the doors were closed and locked. Bianey Cordoba replied, "At 2 AM." Ricardo Jiminez stated that last call is 12:45 AM and the last sale is at 1 AM. Councilman Shortridge asked the owner of Delmarva Billiards what time they close. David Elliott replied, "At 1 AM." Councilman Russell asked if there is a state law that requires alcohol to be off the tables by a certain time? Bianey Cordoba replied, "By 2 AM."

Mayor Chandler asked for confirmation that the assault occurred in the parking lot at La Dama. Chief Disciullo replied, "Correct." Mayor Chandler stated that it can't be talked about because the investigation is ongoing. Chief Disciullo replied, "Correct."

Mayor Chandler stated that it is possible that the people that are attending these events could bring their own alcohol with them in their vehicles and after the restaurant stops serving, the alcohol could continue because they could go to their vehicle and bring it in since the doors are open until 2 AM. He also stated that this brings back the point of public safety. He added that they are all in favor of business growth and making a profit but does not want anyone to fault the Council for someone getting shot, stabbed or hurt in an establishment/parking lot of an establishment. He made it clear that he would personally not accept responsibility for something that could happen because his first public duty is to protect the public. He stated that he is also concerned about the public being on the roads and encountering people who are heavily intoxicated because he has seen the damage it can do to people and their families. Mayor Chandler stated that he does not want to see any of the Town's Police Department end up getting shot or hurt because of an incident.

Councilman Shortridge asked for confirmation that the sanctions set are strictly for serving alcohol after the serving times and has nothing to do with who is served and the type of clientele that is present. Mayor Chandler stated that public disorder, civil disturbance, and assaults would all fall under the Nuisance Ordinance. Councilman Shortridge stated he doesn't think it would make a difference to change the regulation, and they need to have the Nuisance Ordinance in place so the problems can be addressed and taken care of. He restated that selling alcohol isn't the problem, the consumption of alcohol and who consumes it is the problem.

Councilman Russell made a motion to allow alcohol serving times between the hours of 9 AM and 1 AM and to set the following tiered penalty system for serving alcohol after hours: First Offense \$1000, Second Offense \$2000 plus a one-week business license suspension and Third Offense \$5000 plus a 6-month business license suspension for the Highway Commercial District and the Commercial District. Councilman Shortridge seconded the motion.

Vote was 3-1 with Vice-Mayor Truitt, Councilman Russell and Councilman Shortridge in favor. Mayor Chandler was opposed. Councilwoman Thompson abstained her vote.

Public Meeting was closed.

IV. APPROVAL OF MINUTES

Approval Town Council Meeting Minutes September 16, 2024

Approval Town Council Special Meeting/Executive Session October 1, 2024

Councilman Russell made a motion to approve Town Council Meeting Minutes as presented. Councilman Shortridge seconded the motion. All were in favor.

V. CONSENT AGENDA

a. Police Department Report

Chief Disciullo asked if there were any questions on the September Stat Report. Councilwoman Thompson asked what the Business Checks meant. Chief Disciullo stated that those are patrol checks where they drive through parking lots, drive around the businesses and to make sure everything looks normal. Councilwoman Thompson asked for confirmation that the Administrator Hours were 154.5 hours. Chief Disciullo replied, "Yes, they had a lot of admin hours last month." Councilwoman Thompson asked how much underage alcohol consumption is found in Town. Chief Disciullo stated that it is mainly seen on DUI stops. Councilwoman Thompson added that the stat shows 3 DUI arrests. Chief Disciullo replied, "That is correct." Councilwoman Thompson asked for an explanation on Criminal Arrest where it specifies Drugs and asked if that is for using drugs or where drugs are found in vehicles. Chief Disciullo stated that most likely it is a possession charge.

Chief Disciullo stated that the Department had testing for their new Sergeant and Noah Glaeser was promoted to Sergeant and has stepped up to his duties. He added that Sgt. Glaeser has 18 years of experience and stepped into his new position on October 1, 2024. He added that John Cullen II and Justin Wechtenhiser were both promoted to Senior Corporals, and both come to Dagsboro from other Departments with a lot of experience. He added that they both have been taking care of duties that have been asked of them and he is happy to have them in the Department.

Mayor Chandler stated that the Council is happy to see the very well-deserved promotions and congratulated all the Officers.

Chief Disciullo stated that in August 2023, House Bill 206 passed into law, a PAC Committee (Police Accountability Committee). He quoted from documentation that he received, "The purpose of a PAC Committee is to provide advice to departments on policy, training and other issues relating to or affecting the department and the communities served by the department." He added that it would consist of a group of residents from the community that come together and handle issues between the department and the community. He stated that it is a law, and they are currently out of compliance with the law as of August of this year.

Chief Disciullo stated that he has been in contact with the Ocean View Police Dept. and would be asking to join their Regional PAC which includes Ocean View, Dewey Beach, So. Bethany and Fenwick Island Police Departments at their meeting in November so they can become compliant. He added that they have reached out to two residents that they would like to join the committee.

Chief Disciullo asked permission to attend the meeting and requested membership to be paid. He added that there is a \$2000 buy-in for membership that includes administrative costs which covers paying an administrative assistant to handle everything for them. He also added that if they were to do it on their own, it would cost them \$4000-\$5000 of their time to do this because it is a substantial amount of

administrative work in addition to what they already have. He stated that they were approved for a grant to cover the cost and asked for the Council's permission to attend the November meeting to see if they could be accepted into the Regional PAC.

Councilwoman Thompson asked if they were out of compliance with a lot of things or just one/two things. Chief Disciullo stated that they needed to take care of this one as soon as possible. Councilman Russell congratulated the Department on their grant writing and how they can come to them with the funds already covered.

Chief Disciullo stated that if approved, he would like Town Administrator Brought to join him at the meeting on November 14th in Ocean View at 1:00 PM and would like one other Council member to attend. He added that he would bring one of the PAC members also.

Mayor Chandler stated that the Council approved attending the meeting/membership and would decide later which Council member would be attending the meeting.

Chief Disciullo stated that Sr. Cpl. Cullen received his Firearms Instructor Certification and is now an instructor for their department. He added that they are moving towards becoming completely self-reliant. He also added that this was a very tough class and was very happy that Sr. Cpl. Cullen received his certification.

He also stated that Night Out was a great success. He thanked the Councilman Russell and the Dagsboro Fire Dept. for all their help with the chicken dinner fundraiser. He stated that Town Hall did an incredible job and that they do a lot of work for the Police Dept that they don't get paid for and without the girls at Town Hall, they would be in over their heads with stuff like this. He thanked all the agencies that came out to support Night Out and for all the donations they received.

Chief Disciullo stated that they currently have a recruit in the Dover Academy and that was Day 2 for him. The Academy is for 21 weeks, and they hope that he can get through it and are happy for him.

- b. Treasurer's Report**
- c. Administrative Report**
- d. Building Official Report**
- e. Code Enforcement Report**
- f. Meeting Reports**
- g. Water Department Report**
- h. Prince George's Chapel Cemetery Report**
- i. Correspondence**

Town Administrator Brought stated that the electrical work has been started at the maintenance building where the old wiring needs to be replaced with new.

Mayor Chandler stated that if anyone hasn't seen the inside of the building that they should stop by and see it because they have had a lot of work done on it. The building is important for the Town and the Police Department. He added that Morse Roofing did a terrific job putting a new roof and gutters on it for them. He added that Town Maintenance, Joe Quinn, needed to be personally thanked because he has done a great job cleaning up the building inside and out. He stated that the plumbing work has been completed and asked for confirmation on the electrical work. Town Administrator Brought stated that the electrical work had already been started. Mayor Chandler added that he thinks they should get a sign for the building that shows it is owned by the Town of Dagsboro/Maintenance.

Councilman Shortridge made a motion to approve the consent agenda as presented. Councilwoman Thompson seconded the motion. All were in favor.

VI. NEW BUSINESS

a. Tom Morse: Cross Walks Main Street, Heavy Traffic/Speeding Main Street, Police Speed Enforcement Sign Facing Out of Town, Lack of Police Presence During Morning Hours, Community Events More Visibility, Upcoming Dates/Volunteers

Tom Morse, of Morse Roofing, stated that they may have different opinions at times, but they always support the Town. Mr. Morse shared that he grew up in WV, graduated with 99 people in his senior class and lived in a very small town called Palestine, WV. He added that he did not have options to attend college because he had no funding for it and was a runaway that lived on the streets. He stated that he found his real father and lady that put him back in school and everything that he's done for himself has been through the US Army. Mr. Morse stated that had it not been for that structure, he would not be where he is today and had grown his family and business. He stated that his youngest son was present and would take over his business one day. He also stated that he shared this with them because he shares the same small-town sentiment that Dagsboro has but they are forced to grow and look towards the future growth of the Town.

Mr. Morse congratulated Sr. Cpl. Cullen on being a new firearms instructor and added that they would like to donate \$1000 towards ammunition for his first training session with the Department. He added that they would also have the sign for the maintenance building made for the Town and to let them know the dimensions for it and they will have it made and installed. He stated that they are committed to doing this for the Town of Dagsboro.

Mr. Morse stated that he wanted to share something that he has recognized in the Town. Recently he asked a fellow business to help with a donation for Buzz because they feel Buzz is very important to the Police Dept and in doing so, it took him 6-7 minutes to decide to cross Main Street. He asked for the Town Council to start consideration for future crosswalks that are not signal light associated and asked for a minimum of two. He added that he would be happy to help plan for them and help fund them. He stated that he felt it is imperative if they are going to ask businesses to come into this community, that it should be safe to cross the roads. Vice-Mayor Truitt asked if he has a specific location in mind for the

crosswalks. Mr. Morse stated that he didn't and that was something the town should consider for future planning.

He also stated that they have had a large influx of heavy traffic with heavy machinery. He added that commercial businesses are not supposed to be driving without a tarped load because the debris, sand, etc. should be contained within the vehicle and not falling out into the roads, breaking people's windshields, etc. and the commercial vehicles are not compliant. Mr. Morse stated that there are two target signs in Town that tell people what their speed is as they head out of town. He added that there may be a purpose for that but feels he should know how fast he is going when he heads into Town, not while he is heading out of Town. He stated that one of the things that Dagsboro is known for is pulling speeding cars over when they come through Dagsboro, and it helps with the police presence. He realized that the Police are being shifted to problems in another area of Town, but he has also noticed the police presence on the highway. He added that his employees are not able to leave his parking lot in the mornings, with a truck/trailer that is tarped because with no disrespect, the police are taking care of the Indian River High School or taking care of slowing down the traffic while traffic is speeding down Main Street. He added that if they don't slow traffic down, they are going to have a safety issue and asked for the Town to do better enforcement of the speed limit in Town.

Tom Morse stated that the Police Dept, Fire Dept and their community need more volunteers and people to step up and be willing to do more for the Town. He also stated that the Morse Family would be willing to do more and feels that they have proven that in the past. He added that he thinks someone should be appointed or ask for community volunteers/team but would like to see what they can do to bring back that small town feeling and figure out how they can get more funding for the Police/Fire Departments and cross walks. He asked the Town Council to see what they can do to get their own Town members involved in the community.

Mayor Chandler thanked Mr. Morse for all that he has given the Council to think about and feels he has a lot of great ideas but executing the ideas would be the question and how they can handle it.

b. Town Park and Recreational Center

Mayor Chandler stated that the Sussex County Council approved the purchase of the Layfield Property that is outside of Town limits just as you go over the railroad tracks going towards Millsboro. He added that the entire field on the left was part of the Layfield Farm and Sussex County Council purchased it, fee simple but the Sussex Land Trust has a perpetual easement on the property. He added that the Land Trust has ideas about how to best use that property to protect and preserve it for future generations. One idea involves a couple of businesses that have substantial carbon credits that they want to be able to use, and that would allow the Sussex Land Trust to plant trees on a substantial amount of the property to reforest it. He added that there is about 200 acres of land there and they would also like to create walking/bike trails throughout the property. Mayor Chandler stated that they contacted him about partnering with the Town in the future. He added that currently, the Town has one public park area, Katie Helm Park, which has limited parking, is difficult to get to and only great for small children.

He felt that Dagsboro needed to create more things to give people opportunities to stay in Town and not have to get in their vehicle to find things to do. He stated that with more people moving to the area, they want to be able to do things outside and unfortunately, there aren't many things to do within walking distance.

Mayor Chandler also stated that the property has great potential and thought that the Town of Dagsboro should try to partner with the Sussex Land Trust to utilize the property in a way that can benefit all the people in the Town.

Councilman Shortridge asked if there had been any discussion about annexing the property into Town. Mayor Chandler stated that there hasn't because the County owns the land, but the Sussex Land Trust has a permanent easement to use and maintain it and to be able to provide different types of amenities. Councilman Shortridge stated that they are limited as to what they can do and can't develop it. Mayor Chandler stated that they can preserve it as an undisturbed natural area.

VII. OLD BUSINESS

There was no old business.

VIII. PUBLIC COMMENT

Councilman Shortridge stated that he when received his water bill, there was a note on it that said, during this meter reading, a leak alarm was detected on your water meter. He added that he checked and there are no leaks inside the house and asked what he needed to do. Town Administrator Brought stated that Town Maintenance, Joe Quinn, could come out to check it and that he would need to turn the water off in the house so they can see if the meter is still moving. If it is still moving, then there is a leak somewhere. Councilman Shortridge stated that the leak would be between the meter and the house and that he is responsible for that. Town Administer Brought stated that the leak alarm is only picked up if there was a lot more water used than normal.

IX. ADJOURNMENT

Councilwoman Thompson made a motion to adjourn. Councilman Russell seconded the motion. All were in favor.

Meeting adjourned at 7:46 p.m.

Respectfully Submitted,
Wendy Rayne, Finance Clerk