

MINUTES OF COUNCIL MEETING
TOWN OF DAGSBORO
BETHEL CENTER - 28307 CLAYTON STREET
MONDAY, FEBRUARY 28, 2011

The meeting was called to order at 7:00 P.M. on Monday, February 28, 2011. Those in attendance were Mayor Adams, Vice Mayor Truitt, Councilwoman Flowers, Councilman DeHaven, Councilman Disharoon was absent due to illness; Stacey Long, Town Administrator; Rob Witsil, Town Attorney; Kyle Gulbranson, Town Planner; and other interested persons listed on the sign in sheet.

Mayor Adams opened the meeting with the Presentation of Audited Financial Statements for Fiscal Year 2010. She welcomed Andy and Leslie from PKS to share their findings with us. This is the third year they have audited for the Town. He stated he would be fairly brief and asked Council to feel free to interject with any questions at any point. He assumed that Council had been give copies of the audit reports previous to this meeting. Basically, their opinion is the first page (not numbered) which is on the firm's letterhead. It is the same opinion which we have given on the previous two audits and with the exception of the accounts receivable on the water fund, we have given you a clean opinion. We have worked through the water fund and fully expect for fiscal year 2011 there will be a full report and no exceptions in the report for that year. As far as numbers, he pointed out some numbers which stuck out in his opinion on the financial statements. Page 10 is a Statement of Activities Basically it is your balance sheet. It is a list of assets and liabilities that the town has as of the year end, June 30, 2010. There was not a lot of numbers on the balance sheet that jumped out at them, when auditing from last year and even the year before. It is pretty much an uneventful year from a financial prospective. There were not any big jumps one way or another on any of the items on the financial statement. The cash balance this year was \$233,000 vs. the prior year \$231,000. There was approximately a \$2,000 change in your unrestricted cash. Your restricted cash composed of CD's, and money market cash that is restricted for specific purposes, which increased about \$15,000 for the year. As far as the

purposes those cash accounts are restricted for (at the bottom of Page 10 under net assets) and basically for fire and impact fees, street aid, public service impact fees and some transfer taxes. Most of it being for public service impact fees. Are there any questions or comments on the statement of Assets...this is presented several more times throughout the statement, as I explained last year, the standard government requires format which repeats some of the same things (and not in a way that is most useful). Andy said he will be skipping over some pages; however, if Council wishes they may discuss a certain page, he would be glad to do it. Page 12 - Andy touched on briefly. This is the same statement he was just discussing. The only difference is fixed assets; any major purchases of the town that will last for more than one year are not on this statement. This is how the old government statements used to be presented. Going to Page 14 - this statement is basically an Income statement for the General Fund for the Year. After comparison from last to this year, there were not any major differences on this statement. The big change from last year vs. this year is that there were some grants for some police vehicles in the prior year that aren't on here this year. Your profit for the year was about \$7,200, which is pretty good. . Anything above break-even is good for general government. You had taken good steps to control expenses in these tougher times for municipalities and this statement looks better than a lot of others we have seen the last couple of years. Commend yourself for having \$7,200 in excess for the year. Looking back to Page 16, this is the Balance Sheet for the Water Fund. This lists the Assets and Liabilities of the Water Fund, basically again, the assets did not change that much. The biggest asset on the report would be the actual water system and the upgrades that were put into service a few years back for about 4.2 million dollars. The biggest liability is the debt on that water upgrade. Presently it is just over 1.7 million dollars. Moving on to the next page, this is the Income Statement from the Water Fund. There were some things we couldn't exactly narrow down as far as actual receivables for the Water Fund, due to the limitation of some of the reports that you were receiving from the third party which was doing your water billing. That has been taken care of now, but I did want you to know there may be a small difference in the revenue if we were able to actually

audit those records. The bottom line here is the Water Fund had about a \$5,000 loss this year from this prospective, but you have to take into account that \$123,000 is depreciation. It is not an actual cash outlay - it is just a portion of the water infrastructure that is being expressed this year and is expressed over the entire life of the system. If you were to add that back, it would show a good, positive light as far as the Water Fund goes. He said he would talk about the next page briefly as it is a fairly confusing statement. There is one thing he always likes to point out on the Statement of Cash Flow and that is basically at the end of the day it goes to a lot of reconciliation to get to what happened as far as the actual cash...you increased your cash after everything was paid out and everything came in. He felt that was pretty good. He touched on the next page which is the balance sheet for the Cemetery Fund. If you look back at last year, we were actually required to break out cash and certificates of deposit...in past years, they have been able to be lumped together. Last year's numbers may have looked different, but it is due to the fact that they were broken down on this statement. The last thing he wanted to mention is Page 33 (after the footnotes). This is another report which we are required to issue on a government statement. This is a report for internal controls. We have to issue them for government standards. There is statement as to what steps the town has taken. We said they have changed the way it is doing its water billing for fiscal year 2011. The third party is no longer responsible for that. The second item is again something we touched on last year; it is speaking of segregation of duties, splitting up various job responsibilities. With the size of your office staff, this is something that is pretty hard to do. We see this in most governments which we audit. He said that he and Leslie noticed that both the Mayor and Council are a little more involved than a lot of other towns which they audit. We actually see your faces in the office and know you are looking over the expenses and income. This is not always the case. We needed to put this because the situation is there and there is not a lot of ways you can get the proper internal control from an accountant's perspective without hiring another person and that is not always possible. The final item is usually seen on 95% of government audits that we do - it is about preparation of the financial statements. It states that

the Town has determined that it is most cost beneficial for you to have us prepare this statement than having a CPA that is up to date with all the new standards and all the required footnotes to prepare this statement and be on your staff. Do any of the Council members have any questions? There were no questions. The last report is required communications with governments. It is like the engagement letter is at the beginning of the report. It goes over what they do (what their responsibilities are)..... (what your responsibilities are). It is a summary at the end of the audit. The only time it wouldn't be standard language, is if we had some type of disagreement over an account or had an issue with the Council, the Mayor or Stacey, where we felt something should be presented differently in regard to financial statements. Other items - if we had to consult another accounting firm, during the course of our engagement, which would be listed in here. On Page 6 there is a listing of the journal entries that we prepared on your books to get them into the format presented in the financial statements. The most significant of those is the recording of the entries for the year. That is typical of format for governments. Are there any comments or questions? It was fairly painless this year. Last year it took us a while...we tried and tried to get to a point where we could audit the water fund, it just never got to that point. He said their tardiness this year was their fault and he apologized. He would not expect that to happen again. This comes to the end of their initial three (3) year engagement. He has given Stacey an update if they are amicable to go on with the same fee if the Council so decides. The engagement letter is for 2011 and a three year extension. He gave it to Stacey for the Council's consideration. The only thing is we would like to get this done sooner next year. There were no questions from the Council for PKS. Mayor Adams thanked them for their presentation. He left some of his business cards with the Council so if anyone had questions, they could contact him.

Planning and Zoning report and Town Council Consideration of the following:

Marj Eckerd reported that Item #3. Organization of Commissioners: Election of Chairperson, Vice Chairperson and

Secretary had to be postponed until the March, 2011 meeting as she did not have all the commissioners in attendance.

#4. The discussion of site plan for Lost Tree Village (formerly known as the Estuary on Pepper's Creek) was also postponed until March, 2011, as they did not come with added information in time for the P & Z February meeting.

#1. Review and Acceptance of Planning & Zoning Rules and Regulations was also postponed until March, but there was a discussion on having the revisions from the developer sent to URS and Town Hall only and leaving P & Z out of the loop until URS has given their comments back to the developer; therefore, P & Z would be losing one step meaning that they would not have all the paperwork in front of them. It was discussed; however, Kyle mentioned that it might cause some trouble as the developers would like to have P & Z's input. If P & Z do not give the input until after town hall and URS are final, it opens up another time span. Chairwoman Eckerd said we are back to the old regulations where by the 15th if it comes in, it can be presented to the following months. We will also see the revisions and also have them input right away on the revisions of the site plan. The vote would take place when the revisions are done, it might even be two months from the time the revision goes thru. Kyle stated that the developers should be made aware that the P & Z cannot take any action on the project until all of the issues are addressed. It will have to go back to URS until the final plans are made. The acceptance and voting on the acceptance will probably also be done in March also. March 9th is Ash Wednesday and she is due to sing...so P & Z meeting will be March 16th. The rules are O.K. for now. Attorney Witsil said he had a question on Page 2 - Article 6 procedure at meetings subsection A - states action requires majority vote. He asked if that is a vote of all the commissioners or a majority vote of the commissioners who are present at the meeting. Mrs. Eckerd felt it was a quorum of the members present at the meeting. Attorney Witsil felt it should state of the members present. Otherwise it could be construed that there should always have at least three positive votes out of the five total members. Mrs. Eckerd said we will vote on that in March.

We went on to hear the Dagsboro Volunteer Fire Company. They had some minor changes to the physical site plan itself. It needed to be updated. That constituted the storm drain profiles in Sections 2 and 3. Kyle agreed that the storm drain profiles were the major issue. #10 about the construction note and the architectural note had to be on the site plan to be copacetic with everything else. The only thing we voted on and requested of the developer to be changed was the waiver requesting a variance from Section 275-71 prohibiting signs from employing any light that flashes, moves, oscillates or varies from intensity...they would like a waiver from that...we asked them for a rewording of the variance that they are going to present hoping that in the sign waiver, it says that it would be a non-graphic informational sign, limited to scrolling, alpha numerical characters and that vote was passed unanimously. She stated that Council should have a letter in front of them. The proposed sign consists of two parts, which is fine. The top section indicating organization name is to be backlit type sign with illuminated solid panel (that is also fine)...the bottom section is to be a lighted digital sign and we wanted to expand on that. Marj gave Council the new waiver. The digital section is to be alpha numerical...she did not see the non graphic, which she specifically requested in this waiver. P & Z would like to have non graphic, alpha numerical sign limited to scrolling. The P & Z voted on the waiver to read "non graphic, alpha numerical sign limited to scrolling". They also voted unanimously to approve the final site plan and present it that way to Council. The waiver is the only thing in question. Mayor Adams asked Gary Cox if he had anything on that. He explained he was ill and when he wrote it he did not catch the statement about no graphics...in his mind, but he needed clarification with the sign company, but he felt a digital display sign is not a graphic sign...Mrs. Eckerd said they would like those words in there. It is 32 sq. feet. One half would be non-moving and the other half would be alpha numerical. Mrs. Eckerd said that what the commission did not like was fire display or fireworks or stuff like that. They wanted that language inserted. Mayor Adams asked Attorney Witsil and Mr. Gulbranson They gave final site plan recommendation, and we are to look into that tonight...we are still in deliberation with them over the letter of requests which they had for waivers. If we gave the final site plan

approval, what does that do about our deliberations? Attorney Witsil stated that the Council may still deliberate over it as that is a financial issue. They would understand that. Mr. Cox stated that the fire company understands that it is two separate issues. Most of the issues associated with impact fees really do not begin until there is an application for building permits Kyle mentioned. Mayor Adams stated that her biggest concern is the water issue and not having a meter, which is part of the plan. She asked if that would mess things up if they gave an approval now. Attorney Witsil informed Council that is a separate issue and they could always come back and revise the plan. Kyle stated the final site plan is the physical plan of the building. The will come back with construction drawings at the point of applying for a building permit and until things are satisfactory, the building permit will not be issued. Mayor Adams just wanted to make sure we are clear on that. Mayor Adams asked if there was any discussion. Attorney Witsil stated there is a distinction between the waivers for the roof pitch ... the 3/12. He took the information in three parts in preparing your resolution. He discussed the waiver for the roof pitch of 3/12 for primary structure and 6/12 for the architectural dormers, which the P & Z had recommended approval. The variance for the lighted digital sign, which is a variance from Section 275-71A for the specifications submitted by the Dagsboro Volunteer Fire Department for a total sign area of 32 square feet with a non-graphic informational sign limited to scrolling alpha-numeric characters within the digital one half portion of the sign. That would be a variance which would be granted with the approval (if it were approved). The two conditions he has are the execution of the storm water facilities agreement and the landscape agreement. Kyle stated that the fire company has signed those documents...the Town will need to do that. Attorney Witsil stated the other conditions which the P & Z recommended at their February 9th meeting concerning the signage. That was the only unresolved issue. Attorney Witsil asked if Council needed to address the sidewalk issues. Kyle mentioned that those issues were discussed at the P & Z meeting and the commission was satisfied with the plan as submitted at the last meeting. Attorney Witsil asked if the plan and the notes on the plan are correct. Mrs. Eckerd and Mr. Gulbranson stated that was correct. He asked Mr. Gulbranson if he was satisfied that the

notes and all of the recommendations that are addressed in your January 27, 2011 correspondence have been satisfactorily addressed by the fire company. Mr. Gulbranson stated that the plan meets code - all of the issues that the P & Z had raised over several meetings that the plan was under review were addressed. Attorney Witsil asked if the accessibility and ADA regulations, (he said it looked as though there may have been some discrepancy ... that they said they do not exceed ADA regulations and it is not State funded). Mr. Gulbranson stated that the question was that the plan as it was revised meets ADA requirements. It was suggested that it is a public building that the plan may need to go before the State Accessibility Board for review. Since it is not receiving any State funding, it did not have to go through that review process. Even without that, Kyle said it met ADA requirements. Attorney Witsil noted that on Page 9 of your correspondence, the outstanding issue is Note 12 - which reads as follows: "that the Town of Dagsboro will require that the banquet hall facility, commercial kitchen facility, and the bathrooms associated with the hall facility must be metered separately from the administrative office and the remainder of the building for water bill purposes. All water usage inside the building must be metered". It was your comment that this issue has not been addressed, and we are still in discussions on that issue. Attorney Witsil asked if that was such a significant issue that we should take it out of the letter form with the financial issues and address it in the site plan review. Kyle stated that it definitely is a financial issue that will need to be resolved. The entire building will be metered. There is a question as to how much water in total will be used for the banquet facilities. Is that something that the Town should be billing for, since it is a commercial enterprise? It is not separate at this point. Attorney Witsil informed Mayor Adams that he feel this is a significant enough issue that it is just not impact fee related. He would recommend that this determination be a part of the site plan review process that we are going through now, so that there is no confusion. That is certainly a substantive issue. Attorney Witsil asked for clarification from Kyle about approving the final site plan tonight. If it is approved, those plans don't show separate meter. Kyle stated that is correct, they do not at this point. Attorney Witsil then asked when, in your opinion,

would we have the opportunity to say we really require separate meters. Aren't we setting a precedent if it is approved tonight? Kyle stated that he did not feel we were setting a precedent as he did not feel this issue has ever come up. Attorney Witsil stated he meant with the fire hall and their plans. Kyle said the installation of meter has been a separate issue. He did not recall an issue where it was nailed down at the final site plan stages. It has always been nailed down when construction plans are submitted for building permit. He did not have a strong feeling one way or the other. Kyle said he did know there would still be that final opportunity to get that resolved prior to issuance of the building permit. He reported that we would not issue the building permit if the Town is not happy with the metering situation. Attorney Witsil said he shared the Mayor's concern that if Council approves the plans tonight and do determine there are separate meter requirements we have in essence approved the final site plan that shows singular metering tonight. Kyle stated that the way the building is metered is that all domestic service is metered under one meter, all fire suppression system is metered under a separate meter. Kyle reported that if the Town would approve those plans tonight, what will happen is prior to the Town issues a building permit to begin, a whole set of construction plans will be submitted for review and approval by the Town prior to the building permit. Kyle said the issue has to be resolved one way or the other...either now or then. Attorney Witsil stated that except by approving the final site plan this evening, we are approving the plans which have been submitted that show one meter for both the banquet facilities and domestic facilities. Vice Mayor Truitt stated he guessed we were still trying to figure out what Council's options are. In terms of everything else...it appears to be in order. All of the agency approvals have been received. Attorney Witsil stated to Vice Mayor Truitt that Council's options are to approve the plan as submitted, with the waiver variance and the two conditions he had just mentioned. The second option would be to approve the plan as submitted with the variance waiver, conditions, and add a second condition that the meters at the time of the building permit application state that there be two meters. Attorney Witsil said he was not suggesting anything to Council, but was just giving you the options. Attorney Witsil said the plans as submitted

tonight for your approval will show one meter for domestic banquet facilities, showers, restrooms, washrooms and one meter and that same meter for fire suppression usage. Mr. Cox mentioned that this had not been one of the design criteria, who will compensate the fire company for having to re-engineer all of this as it has been brought to light after the fact. Mayor Adams would like to know what engineer did not think about it. Kyle mentioned that questions were raised at preliminary and it was stated that it was ludicrous. The fire department's engineer told them that. Mr. Cox stated that it was never posed to them until they got these letters and made them aware. Mayor Adams asked Council how they wish to go forward. We want to make sure we have room to deliberate. Councilwoman Flowers said she is in favor of Attorney Witsil's third statement - the variance, the waiver of the two conditions and then the third condition that will determine the metering issue...she is just saying how she felt and wondered how others felt and then they will vote. Do you want her to go ahead and make that a motion? Mayor Adams asked Vice Mayor Truitt how he felt. He felt that we need to keep the water situation separate. It is still open to debate. Councilman DeHaven then stated that at the end of the day, the Council needs to determine (based on previous testimony), the total volume of water consumed by the new fire station. Is that correct? Attorney Witsil stated he did not feel that was the issue. It is because we have a lease commitment that provides water for firefighting service. We would like to know how much water is going toward that. We need to meter it. It is not a matter of compensation. The compensation portion of the water is that which goes to the domestic water service (kitchen, bathroom, showers and that sort of thing). Gary Cox asked if he was to understand from Attorney Witsil's statement that we have resolved the issue that the lease is continuing on the new property....for the water service for firefighting. Mayor Adams said she had never said they would not take care of that. Mr. Cox said at one point in time it was read back to them that the lease applied only to the Waples Street property. Attorney Witsil has made a recommendation to clear the air. The lease referenced meters at the old facility (the presently operating facility) were to be installed free of charge at that site...not the new site. Because the water service was interpreted to be gratuitous for the future for the length of the lease, he

determined (subject to Council's approval) that it was only fair that the water service relating to fire fighting service should be continued at the new facility. It was a necessary determination to make as to which water is going to fire fighting and which is going to domestic and banquet and that sort of use. We understand your argument that it is all firefighting because it is a charitable function and it is all one operation. Mr. Townsend asked if they were going to have a fund raising event there...the fire company would have to be billed for the water. Mayor Adams said you should talk with the Frankford Fire Department who has fund raisers, but they are paying for the water in the banquet room. Councilwoman Flowers mentioned that she felt some outside people might take advantage as they are not paying the water bill and the bill then falls on the residents, we have to absorb it and she is already paying more than she wants for water. I don't want any other residents to feel as they are having to shoulder a large bill. She feels there needs to be more accountability. Mr. Townsend responded that the fire company is providing a service to this town and townspeople. The money we will be paying for water has to come from fund raising and something else. You are going out and asking people that you are going to serve to give more money to pay more bills. Mr. Townsend needed clarification on if the Town will bill for everything or only when we rent out for banquets, etc. Stacey asked how would the Town know if you were renting it out...Mr. Townsend responded that they have contracts for rent. If you need to see a contract that is fine. Kyle said he feels the issue is (and it has been from the start) that we need to know somehow how much water is being used by the banquet facility. They are not charging for the bathroom facilities that the firemen or office workers use. The question is how much water is going to be generated by the banquet facility. Councilwoman Flowers asked if there was going to be a big difference or no difference. Since it is unknown territory, we just don't know. She wants to come up with a resolution that makes everyone happy. Mr. Townsend hopes it will be less. Kyle stated however, that he feels there will be a big, big difference in the amount of water from the old fire station and the new fire facility. Amount of urinals, sinks, showers...everything. You are going from a 3 EDU building to a 13 EDU building. There is a large difference in water use.

Kyle felt the town was willing to bite the bullet on parts of it, but he said the banquet facility and the unknown of water being generated by the facility. Stacey questioned if someone would have to go out and read the meter before the function and after the function. She feels it is getting too complicated. Marj Eckerd requested to speak...When we were a part of the Sea Horse in Rehoboth Beach and held their dinner theatre and banquets as part of the contract which we signed...whenever the theatre part was in use, it was added to the percentage of the amount which we gave back to them...water use, facility use, bathroom area. That is the reason the P & Z thought that this would be discussed as part of the construction plan rather than the site plan. Vice Mayor Truitt asked if it was a flat percentage. Mrs. Eckerd said it a flat rate...they have a schedule that was followed for water and electricity. It was never a half and half split. She felt it was not a part of the site plan...it was part of the construction plan. Mayor Adams wanted to make sure if we went forward tonight, it is still an open piece for the Council. She feels it can be done three ways. Vice Mayor Truitt reiterated that Council can approve the waiver condition of the sign, the roof pitch... and Attorney Witsil felt there should be some statement on your approval that the plan submitted are to be re-considered for the specific purpose of metering the water at some time prior to issuance of the building permit. Otherwise the plans that you have show two meters ... one for all water usage for fire fighting and banquet facilities and one for sprinklers. His concern is that if Council is silent and just approve the site plan, you are setting a precedent that is approved and then you are going back later and saying... we really did not mean to approve one meter for all the service. Mayor Adams said that leaves us open room to discuss the impact fee of \$3,000 per calculated EDU and the cost of the meter. Attorney Witsil advised that those are separate issues...they are not in the site plan. Those are financial issues. Presently, the water meter is the important issue. Councilman DeHaven stated that on Page 24 of last month's meetings, I think we have the answer to what we are looking for relative to getting concrete estimates. I'll quote...At the bottom of the paragraph on Page 24, Mayor Adams asked if we could get a spread sheet so that we will be looking at concrete figures, what their estimated monthly costs will be

for water. Kyle said whether the new building has a six inch meter or a four inch meter and find out what the monthly meter fee would be and look at their estimates. If we could get that estimate, if we decide to tackle this as an issue later during the construction plan, that would be very helpful. Attorney Witsil asked how Kyle could estimate water usage with no frequency of facility usage. Kyle thought they were discussing the fire suppression service. There is a monthly fee based on the meter size. It would not be consumption of water just what the monthly fee would be. Stacey mentioned that commercial is based on a monthly meter fee and then they pay per thousand gallons. Obviously, we do not have the figure they would be using because we don't know in advance, but we do have certain meter fees in place. I can tell you that the four inch is \$100 per month and the six inch is \$150 a month and you add your usage to those figures. Sprinklers are \$33.34 per month plus usage, if any. That is fire suppression sprinklers. 4" meter is for the fire sprinkler system. Stacey said their fire suppression system is \$33.34 per month. They need more volume for the fire suppression system so it would be the six inch meter. Four inch is for the domestic service. Anything that is used for the fire suppression is the \$33.34 for a month. If it were a hospital or a commercial facility there would also be the \$150 per month. Stacey said she had a quote from where we order our meters as to their cost...the four inch meter will be \$2,248.00 and the six inch meter will be \$3,863.00. It will be about \$6,111.00 ... That is just for the meters. Councilwoman Flowers made the suggestion (as there are so many other things on their Agenda) that we go ahead and make a decision about the meters later. A motion to approve the final site plan with the waiver of the roof pitch will be satisfied, the variance regarding the electronic sign will be conditioned that it will be alpha numeric and non graphic, and that the water meter issue will be satisfactorily resolved prior to issuance of the building permit to the satisfaction of the Council, seconded by Vice Mayor Truitt Councilwoman Flowers stated aye, Vice Mayor Truitt stated aye, Councilman DeHaven stated aye, and Mayor Adams stated aye.

New Business:

Item #4.

At this time, Mayor Adams said we will move on to New Business #4 as Mr. and Mrs. Spinelli are patiently waiting. A Resolution to set a Public Hearing to rezone the Spinelli property (Red Barn) from Light Industrial (LI) to Town Center (TC). Stacey gave a brief update to Council on what has happened...when P & Z and Council were working on the 2008 Comprehensive Plan updates there were several properties that property owners had petitioned Council on the western side of the railroad tracks to be rezoned to Town Center. During this, but being separate, Mr. and Mrs. Spinelli came in and spoke with P & Z and they had no problems rezoning them from LI to Town Center. It was actually placed on the future land use map in the Comp Plan; however, during the actual rezoning which just occurred in October, 2010 the property they were missed on the ordinance to rezone the property and it was skipped for their particular piece of property. It should have been included with everyone else. Vice Mayor Truitt asked if it appeared as Light Industrial today on the map. Stacey responded Yes...it is Light Industrial today on our zoning map. What we have done --- it is a 2 step process. The future land use portion of that was actually changed to Town Center, but the actual rezoning of the property should have been changed to Town Center and was not included in the one we just voted on and took to Public Hearing. Stacey has asked the Spinelli's to resubmit the rezoning application. She has spoken with Attorney Witsil this evening to be sure the proper procedure is followed. They are going to apply just as someone who is rezoning a property. She has asked that since it was an oversight that the fee be waived. However, now we have to publish it, notify everyone within 100 feet of the property, and hold a Public Hearing. Stacey asked that we be permitted to get these notifications out before the Public Hearing is held. Councilwoman Flowers stated that would make the Public Hearing in April. At this time, Councilwoman Flowers made a motion to set a Public Hearing for the re-zoning the Spinelli property (Red Barn) on Clayton Street from Light Industrial (LI) to Town Center (TC), seconded by Councilman DeHaven and unanimously approved. Stacey announced it will be the 4th Monday in April.

It was changed to the 3rd Monday in April. It will be held on April 18, 2011. Stacey said that would be enough time to advertise. Attorney Witsil stated he will be able to attend and Mr. Gulbranson stated he would be able to attend also. Mayor Adams thanked the Spinelli's for coming. They are sorry about the oversight. As long as it gets corrected that is all that matters, Mr. Spinelli stated.

Item #1. Ratification substitute appointment of annexation committee member. We need to ratify Councilman DeHaven being appointed to the Annexation Committee for the Dagsboro National Guard Armory. Councilwoman Flowers made a motion to appoint Councilman DeHaven as the substitute member of the Annexation Committee, seconded by Vice Mayor Truitt, and unanimously approved.

Item #2. Discussion on properties not connected to water system and impact fees due. Mayor Adams asked Stacey to elaborate on this matter. Stacey asked if they could come back to this item since it may be a lengthy discussion.

Item #3. Accept Annexation Committee Report for DE National Guard Property on Armory Road and recommendation from the committee. Consideration of setting a Public Hearing on the annexation of said property. Vice Mayor Truitt gave an overview of what was discussed in the meeting which was held between Councilman DeHaven, Vice Mayor Truitt, and Mayor Adams. On February 10, 2011 there was a meeting held of the Annexation Committee in regard to the Delaware National Guard Property on Armory Road. We came up with a list of advantages and disadvantages. Advantages were: The property is contiguous to the Town Limits. It would provide additional water users and additional revenue for the town. There would be more water pulled toward that side of Town to aid in constant flow of water in the system. Signs may be placed on that side of the road to control speed of vehicles coming into town. As it will be rezoned to residential.. so that if this property were to sell, it can only be used as a residential use or a governmental use for the State of Delaware. The disadvantages were: The property is tax exempt, so there would not be an addition to our tax base. If additional water use is added to our system, our maximum

daily usage allowance from the Town of Millsboro will increase. Some notes...the property is to be rezoned as residential and government operations are exempt from zoning code and can operate as current use. The fixture count is at 103 which results in 20 EDU's needed for this property, resulting in approximately a \$60,000 impact fee. The committee felt the advantages outweighed the disadvantages. Two conditions of annexation were made: Annexation agreements to be recorded with the deed, and we suggested sidewalks be installed on the frontage of the property. At this time we recommend annexation of the Delaware National Guard property into the Town of Dagsboro. Mayor Adams asked if there were any questions. There were none. Attorney Witsil stated that he had prepared an explicit timeline for the Council, provided you forward this to the P & Z for its recommendation and P & Z can make its recommendation in March...On March 28 you can receive that approval and make a resolution to hold a public hearing, he recommends that it be at the May 23 meeting so there will be time to get out notices as it is a lengthy process. Kyle reported the Plan of Services has been drafted and the required letters have all been sent out. We have received a response letter from Sussex County saying they have no issues concerning the annexation. We are awaiting a response from the Town of Millsboro and they have indicated they will get that to us next week, and one from Sussex Engineering. Marj Eckerd asked if P & Z needed to look it over also. Attorney Witsil said it is a rezoning and the town's P & Z should look at it since it is from out of town to in town residential, and you do need to look at it. If Council approves the plan, they should send it to the P & Z for their March meeting. Marj said if it is just an approval for what you recommended, we would have probably added sidewalks (as you already did). Vice Mayor Truitt gave Mrs. Eckerd a copy of their report. Councilwoman Flowers made the motion to approve the time schedule on the Annexation Report, prepared by Attorney Witsil, seconded by Vice Mayor Truitt, and unanimously approved.

#5. Consideration of increasing the application fee for subdivision applications. Stacey reported that currently the Town charges \$250 application fee for subdivision requests for a minor and petitioning and for a major application fee we charge

\$500 base application fee. We need to be sure that the fee is covering the cost of review and it is not doing so. This is paid to URS. Kyle stated that with a major subdivision you also require the escrow account to be established. With a minor it is basically just the \$250 application fee. Stacey reiterated that the minor subdivision of property is not being covered. One of the biggest ones which we have had so far has been the Howlett property and he came back with plan - after plan - after plan. From April to November is how many times he came to the Town and that was \$4,500. Mr. Howlett was charged \$250. Then he pulled his plan, Kyle stated. Mrs. Eckerd mentioned that could it not be stated that for any subsequent reviews they pay extra money up front --- such as all minor subdivisions would pay \$250 and \$250 for each subsequent review. Kyle mentioned that some of the other towns in the area and how they deal with issue ...they have a base fee and then they have a per lot fee. \$250 fee base fee and then for each lot it is an additional \$50 to \$75. Millville charges \$450 per lot. It could be stated as base fee plus professional fees. Mayor Adams said that was a recommendation also. Sometimes we have paid hoping that the person will pay the Town back. Kyle stated that Millsboro does not charge an escrow fund, they go ahead and pay with the hope that the developer will pay their expenses. When things were good, they never had a problem. However, they are having issues now. Attorney Witsil said all of these escrows are not spelled out in ordinance form are they Stacey. Stacey said No they are not. He said it was a policy that has been established over the years. Stacey mentioned it is just in the minutes...not ordinance or resolution. Stacey said she could give Attorney Witsil the section of the minutes and if he wished to prepare an ordinance based on the conversations and motion. If push comes to shove and a suit against a developer needs to be filed to get these monies, the Court would say what kind of policy is this. Kyle stated that after looking at the Agenda he had pulled some numbers together quickly. In Ocean View their minor subdivision fee is \$730 (flat fee)...\$50 for each additional lot; Selbyville only has a flat fee of \$50 (he doesn't know how they make it); Millville is \$450 per lot, plus 20% escrow; Georgetown has a \$500 minimum application fee plus \$120 per lot - plus professional fees. They have a series of different categories. Lewes is \$500 flat fee plus \$250 per dwelling unit in addition.

This is just some information so you can see where we stand. He will provide this information for the Council as well. Vice Mayor Truitt felt we needed to decide a fee structure for minor subdivisions. We need to do it with an eye toward preventing the kind of abuse we have seen as an example tonight. Attorney Witsil said that it may apply to major subdivisions as well. Kyle mentioned the minor subdivision on the corner of Armory Road and Vines Creek Road which was simple and \$250 probably covered the expenses, but the Howlett property had infrastructure issues and the developer was refusing to make the infrastructure improvements that the town wanted to see happen and kept submitting plans which did not include it. He imagines the Mills subdivision will be the same way as the way they wanted to tap the water line, we would not approve and we have not heard back regarding this issue. Mrs. Eckerd said P & Z had not heard from Mr. Mills as yet. Vice Mayor Truitt wondered why other towns are still charging flat fees instead of adding professional fees? Kyle said the towns which have had a lot of activity have done that. Towns that have not seen a lot of activity haven't had the need to. He could never understand why Millsboro did things the way they did...they are a larger town and have more resources and their chances of getting burned are great and they are finding that to be an issue without having the escrow fees in place. Kyle said Millville has the highest subdivision fee of anyone in the area...\$450 per lot. They have had some subdivisions with 600 lots. There have been subdivision fees for Millville that have been in excess of \$200,000. During the good days that was great, but now it does not appear to be the case. Councilwoman Flowers is not in favor of the flat fee, because some are simple and some not. She is in favor of flat fee plus something more. Councilwoman Flowers does not want to see the Town lose money. Attorney Witsil said that Council could discuss it and vote on it and authorize him to draft an ordinance. Councilwoman Flowers asked if the \$250 base fee would cover most administrative fees and such. Everything else would be paid out of escrow - URS review, etc. Vice Mayor Truitt said we do not have to be specific about the fee in the resolution, do we. He said it could be stated there would be a base fee, and other professional expenses. Mrs. Eckerd said there should be a fee established by Council as people will want to know an amount. It will be discussed at

next month's Council meeting. Stacey reported that when they do a major subdivision they have to file a site plan review, which is \$500 base plus the \$2,500 in escrow for legal and \$2,500 for site plan review. Kyle stated that in the minor subdivisions if we see that they have significant infrastructure issues that we require the site plan review too. You could do that today he felt. Kyle mentioned that the Mills project might not like what the water requirement is and he did not feel the County would accept what he is proposing either.

#6. Consideration of a request of exemption from connecting to water system for a warehouse located at 32097 Hazzard Street. We had URS look at the building. There is absolutely no plumbing in that building. We have a letter of request from the owner asking to be exempted. Mrs. Eckerd and Councilwoman Flowers asked. What if they decide to put in plumbing? Mayor Adams said they would have to get a permit and then he would be charged the appropriate fees. It should be treated with homeowners that have other pits on their lots...categorize it as a vacant lot and all the money they have paid in up to this point will be credited to the \$3,000 impact fee when they decide to improve the property. He is paying the monthly bill for absolutely no way to even use the water. The pit can be padlocked shut and he will not be able to get water unless the padlock is broken. A motion to accept the request of exemption for connection to the water system for the warehouse located at 32097 Hazzard Street was made by Vice Mayor Truitt, seconded by Councilman DeHaven, and unanimously approved.

The Council proceeded to the Treasurer's Report. Stacey Long read the Treasurer's Report as presented to the Council. Mayor Adams asked if there were any questions on the Treasurer's Report. A motion was made to approve the Treasurers Report by of Councilwoman Flowers, seconded by Vice Mayor Truitt, and unanimously approved.

The Council was asked by Mayor Adams if there were any additions or corrections to the Minutes. Councilman DeHaven said on Page 38 felt there was a personnel issue in this paragraph. Mr. DeHaven did not think we should be putting into the Minutes the discussion of a person's salary that would be open to the

Public. He felt a more generic statement would be more relevant there. Mayor Adams said to just delete the amount of the salary for Town Administrator. Mayor Adams instructed that the amount should be taken out. If there are no other corrections she asked for a motion. Vice Mayor Truitt made a motion to accept the Minutes of January 24, 2011, the motion was seconded, as revised, by Councilman DeHaven, and unanimously approved.

At this time Stacey Long, Town Administrator, did the building permit report. There have been two building permits issued as of today. One was to Serendipity Quilt Shop on Main and Cannon, and the other was demolition of a house on Main Street. One Certificate of Occupancy was issued Chapel Crossing #70 and one correspondence letter to LaBamba, which was regarding the regulations on restaurants, eateries, and bars in regard to their request for live and recorded entertainment.

Correspondence:

In your packet you have a table of district regulations amended to delete the high density residential zoning district and to add the medium density residential zoning district. Also at the bottom it references properties that are grandfathered into the high density residential zoning. This is just an update. It is added to our code at the end, just as an easy to read chart. It will be part of our code when we get another update.

There was a Thank You card directed to the Mayor and Council. We would like to thank you for the recent installation for the new street light on Piney Neck Road. With the increase in crime, we hope this may be a deterrent in our area. We would also like to give a special thanks to Ms. Rae who continued to follow up on this through completion. Thank you for all you do for our town. Sincerely, Keith and Ruth Ann Marvel.

We wrote a letter to the Town of Millsboro asking them if we could pay the amount for water that our records indicate that we billed out plus 10% on top of that which would result from unmetered hydrant usage and flushing. We are working with the Town of Millsboro, URS and Delaware Rural Water to try to resolve the discrepancy in water usage. Stacey mentioned that

on the financial statements it may look fine; however, you must realize that we were on estimated bills for an entire year. Since the estimating stopped the bills have doubled. We went from paying \$6,000 a month to \$12,000 to \$13,000 a month. When we were getting that \$6,000 a month payment, it looks like we were holding our own and then some, but now that we have actual usage bills coming in, it is way off. You have a spreadsheet showing the difference in the numbers - Sept. Millsboro vs. Dagsboro, the difference is 2,359,650 gallons - In October, the difference is 2,112,980 gallons - November the difference is 2,205,870 gallons - December the difference is 734,680 - January the difference is 1,151,520. Over the course of five months we have 8,564,700 gallons of water which we cannot account for and owe the Town of Millsboro \$49,461. The letter we wrote was asking that we pay only for water that our records show that we billed out. Our request has been denied. They will be sending a letter stating the request was denied. We will also get a copy of their Minutes when it is approved at their March 7 Town Council Meeting. Vice Mayor Truitt wanted to be sure we received something in writing from them about that. It appears that it is averaging in the millions and then one month dropped to 734,680. That is food for thought. Mr. Townsend suggested that the Town look for some money and build its own water plant. That is what we should have done from the start. Councilwoman Flowers and Marj Eckerd were in agreement. There are grants available for studies to find the best location. Mrs. Eckerd asked ...what are we waiting for. Vice Mayor Truitt said that only pays for the study. There are monies out there for loans. Marj will chair the committee to study the feasibility of a water system. Councilwoman Flowers stated ...this problem has been going on forever. Mr. Townsend explained several ways the new meter from Millsboro could be having problems. Kyle stated that ultimately what you are going to find is that during low flow conditions water going back to Millsboro is not being recorded...the meter that is in place now does not register anything less than 60 gallons per minute. Stacey said it dropped down to 54 gallons per minute. Over a period of a month it really adds up. Stacey there is another alternative, it is expensive to put in a back flow meter. We don't have any good solid figures to go on but it might not even fix the problem and it would be very costly. A \$12,000 or \$13,000 a month bill and

we are only collecting for half of that amount per month. Discussion took place about how you would see water in the field or around houses somewhere losing that amount of water. Mr. DeHaven felt that they are putting water in our pipe and then pulling it out during the day...they do not have enough storage to cover their storage needs and it is not being accounted for. That Millsboro is using the tank as additional storage and then pulling it out to cover their shortfalls. Vice Mayor Truitt agreed and then going back it is not being metered. Mr. Cox asked if we could find out what the daily volume is (especially since they put the new metering system on the tower). Stacey asked Kyle if he had spoken to Kenny Niblett of Town of Millsboro, or Cabe Associates. Kyle said yes and they said it is a non-issue. They went back and looked at the numbers and the way the system was to have been designed was all the towers in Millsboro and Dagsboro Tower are on equal elevation and the water level should always be the same. That is how it was supposed to have been designed, Kyle stated. Stacey said Millsboro turned their pump on around 4 or 5 p.m. and the pump ran all night long and the next morning and their tower never got full, but ours did. Mr. Cox mentioned you could look at the water tower behind WaWa and it is probably 10 or more foot in elevation higher. Vice Mayor Truitt, Mrs. Eckerd, Councilwoman Flowers all felt that we were not going to get anywhere with Millsboro and we should try to resolve it on our own. Councilwoman Flowers said how much more money can we afford to lose before we get to that. Kyle stated his feeling as to the best short term solution would be is to get a price on getting a by-pass meter on the interconnection meter. Then there would be accurate figures as to how much water is being drawn. Kyle mentioned calling vendors, see how much it is going to be and then request special money from rural water and the state to install it, because they are aware of the problem. Councilman DeHaven, Councilwoman Flowers, and others agreed that was a good idea. Kyle stated if we could get a grant to do that and fund it without impacting the Town finances. If we are losing that much water every month and we are losing that much in six months it could pay for itself. If we get grant funding to do that we would be O.K. Mr. Cox asked if some of the monies which had been collected to support the system could be used to pay for it. Stacey said as long as we could get a reimbursement

grant. She has documentation and we obviously want to use grant money. In the essence of saving time and moving forward if it is a grant that can be reimbursed absolutely. Kyle said the Clean Water Advisory Council had their meeting last week, and they had their Grant Program and they did not have enough grant requests to take care of their grant money. That rarely happens that the State Grant Program does not have enough grant applicants to spend the money. They will be doing requests again in July. It is a matching grant program and most Towns do not have the match money to put toward the grant. Mayor Adams asked if they had the information they needed from us to get going. Kyle said what we are trying to set up with them (we do not have specific locations as yet) is checking the meters and it should be done by the end of next week. Stacey and Kyle went out and did a test to find out where the working meters were and they found 8 of them. That is not our 2 million gallon difference, but we are narrowing things down and moving forward. Mayor Adams said that Marj made a suggestion (which she felt was a good one)...she did not know if we need to set up a committee at this time to look into our own water system. We need to look into resolving it. Stacey will look at looking into the price of a by-pass meter. It will pay for itself in less than a year. The figures given to us have been on two different ends of the spectrum. Mayor Adams felt that if Vice Mayor Truitt and Councilman DeHaven would look into it and brainstorm. When we have those meetings with Millsboro, one might be available to give their ideas at the meeting. Councilman DeHaven suggested speaking with John Hansken on the P & Z as he has industrial experience.

#2 under New Business: Discussion of properties not connected to water system and impact fees due. Stacey mentioned that a couple of people out of the 20 One has connected; one has submitted application and full payment... Three have contacted her and have been set up on a payment plan. That leaves fifteen that she has not heard from...they have not contacted her, they have received their certified letter. There is one property here that we cannot contact. I think we are going to have to post the property. Attorney Witsil stated that the remedy is to proceed to connect at the Town's expense and go after the property owner. They are paying their water bill and the

address on the check is exactly where we send everything, but they are refusing the certified...Unclaimed. Mrs. Eckerd said they may not have the funds...Stacey noted that is fine, we are putting people on payment plans who have explained it. Mrs. Eckerd asked if we mentioned that in the letter....Stacey noted that they won't accept the letter. If they are not connecting, the town has the authority under 270-31d to connect them and to charge them. At this time they do not know about the forced connection as they are not accepting the letters. Attorney Witsil reported that there are also criminal sanctions. In looking this carefully the other day, he realized that we probably need to have what the County has an equitable remedy where we can go to the Court of Chancery and petition the Court of Chancery to tell these people to hook up. He took the liberty to prepare an equitable remedy for Council to review and possibly adopt in the near future. Everyone has a copy in their packet. This would basically provide equitable sanctions and equitable relief, instead of bringing in a criminal action against people, instead of hooking them up ourselves and try to get money out of them, the Court of Chancery can order them as an injunction against not hooking up. That would be in addition to 270-19 that you could post for next month if you wish. It does not need special publication. It would require a Public Hearing, but not special notification. Councilwoman Flowers asked if she understood correctly that 20 people received the certified letter stating they have until March 15, 2011 to connect to the water system and 15 of them did not call to set up a payment plan. Stacey reported that five people had contacted her, fourteen did not call and received the certified and one will not receive the letter. Vice Mayor Truitt suggested holding this until the March Town Meeting, vote on it and immediately thereafter start filing suit. It was discussed last month that you wanted to bring it up again this month the possibility that you wanted to use all of the money that they had paid in for water bill payments over the course of six years and applying that toward the impact fee that is due and payable of \$3,000. Vice Mayor Truitt said others had abided by the referendum. They had one year from the time the system was complete and up and running to hook up free of charge. Mayor Adams said if she moved tomorrow to another town and whatever their utilities are you would have to abide by their fee. Mr.

Townsend said he has been paying his \$40 water bill fee each month and you are not going to credit him. Otherwise you will have to credit everyone in town \$3,000 for hooking up the first year. As a taxpayer he feels they should have to abide by what was done. Stacey said she was supposed to get a letter today before 4:30 to add to this section...one of the property owners was going to give her an official letter requesting an extension, but that is because this house is For Sale - 18 acres. They are in the process of discussing demolition of that house. They wanted to know if they demolish the house in 6 months and they have paid all the money to connect to the system and no one is living in it. Stacey did not get the letter. Councilwoman Flowers asked if it is someone who has property with 18 acres and who is going to sell it for lots and make money and...Mayor Adams stated that it is 18 acres that is not sub-divided as they are trying to sell the whole parcel. It has been for sale for some time. There is a house, which is vacant, sitting on the property. They are considering demolishing that property and they are trying to find out what the cost will be. They were just annexed into Town. They were on the list because Stacey gave them the same deadline as those that did not connect. They are not being penalized because they are an annexation. They came in after the fact. They are asking for an extension for the time to pay that \$3,000. If they demo the building and there would be no need for a pit. Then when they sell the 18 acres, whoever purchases it would probably divide it into lots and have to pay for each one. They are not going to develop it. In the future we need to notify anyone annexing to the Town that they have a certain amount of time to connect. Stacey was told by Council that it will be considered at next month's meeting. Stacey confirmed Council's decision that we are not doing anything for these people except putting them on a payment plan, if requested, and they must pay their past due amounts and March 15, 2011 is the deadline. It was confirmed that is their decision. Mayor Adams stated that on the ones who have done nothing we will consider Attorney Witsil's suggestion next month.

Standing Committee Reports:

Chief Toomey gave Council the Police Department Statistical Report. There were a total of 99 traffic arrests, 44 warnings, 9 criminal arrests, 37 complaints, 2 collisions reported, 400 total hours were worked, 231 patrol hours, 77 $\frac{1}{4}$ investigated hours, 91 $\frac{3}{4}$ were administrative hours. On the 14th of January the new officer came on board at the end of the month...on the 29th he was already certified and permitted to out on his own. So far on two separate occasions he has made a drug arrest during traffic stops resulting in multiple charges. He has also made 2 this month so far. Sgt. Litten made arrest solving two separate arrests occurring in 2010, one went back to April 2010. He got a tip and resolved it. These were old complaints. Chief Toomey also had a couple of arrests on criminal mischief and trespassing in which the subject was apprehended in committing the acts. He wanted to make the Council aware of an issue between the Delaware Chief's Council and the Delaware State Trooper's Association. The DSTA last year proposed a bill and have reintroduced it at this session of the legislature. They feel that every ticket written in the State of Delaware should have a \$12.00 fee attached to it to support the Delaware State police. Every town, municipality, organization would contribute to the State police in the form of \$12 per ticket issued. There is a lot of dissent from the Chief's Council. It is getting rather bitter. In the process of doing this every piece of legislation that the Delaware Chief's Association has proposed before the Council, the Delaware State Trooper's Association is blocking. It is a heated debate between the organizations. It is difficult for some Chiefs as some are retired troopers. We tried to come to a compromise last year where it would be a \$20 fee to every citation, \$10 going to the State and \$10 going to the municipality that wrote the citation. Chief Toomey stated he has explained the ramifications of writing a ticket, issuing a uniform traffic citation, summons or whatever you want to call it. A ticket that costs \$80.75 currently, \$29 goes to the town and the State gets the rest. That is due to all of the little brackets that they have. The \$12 fee is added in one of these brackets. The extra over the \$29 goes to the State in one way or another goes to highway trust fund, court costs, victim compensation fund, 18% of every fine goes to victim's

compensation fund. \$1 goes to DELJUS fund, \$1 goes to the video fund, \$10 to Court security and so on. The Highway Transportation Trust Fund is one half of whatever the ticket amount is. He explained several of these fees. We are becoming like the State of Pennsylvania. Their logic is sound. The Delaware State Police will be able to be increased by 15 State troopers a year at no expense to the taxpayer. It will all be violators paying for it. The legislators think it is a great idea. They are trying to convince the legislature that 15 men vs. no one, equipment, etc. They have the legislator's ears, and they are blocking everything the Chiefs group wants to do. Chief Toomey asked if there were any questions. He would like to discuss personnel issue in the Executive Session.

Hazard Inspection Committee: Mr. Townsend said he wondered when the ditch work would be done on New Street. Mayor Adams said we are on the list. She has talked to Bob Long about the matter and he can do nothing further either. It is in the Army Corps of Engineers hands and there is nothing we can do. It was agreed that it is a dangerous situation. It could easily wash out that road. Mr. Townsend stated that the fire company will pursue it as that is their access in and out.

Town Property/Town Improvement: Mrs. Eckerd had a general comment.... her grandchildren love the park. Everyone just loves it. It was mentioned that a lot of people use it now.

Prince George's Chapel/Cemetery: There is nothing to report. The Friends group has a meeting this evening also.

Mayor Adams felt that under Old Business - Consideration of the letter received from Dagsboro Fire Company about the water issue; however, we have discussed the water issue. Mayor Adams stated that capital improvement was mentioned. It is still an open issue in the Minutes. Stacey mentioned that this letter is to be addressed in conjunction with the letter originally submitted requesting waivers of fees dated August 13, 2010, the Department appreciates the Council's willingness to review the noted section as it was unintentionally omitted as a discussion item. Please review the following request and respond to the officers and members of the Dagsboro Volunteer Fire Department,

Inc. A projected impact fee for capital improvements for governmental police, administrative and code enforcement improvements is calculated at \$19,500 at the rate of \$1,500 per EDU. The Department is requesting a waiver of this fee. The DVFD is a non-profit organization which is in existence to provide services to residents of the Town of Dagsboro, the community of Dagsboro and the area as a whole when called upon to do so. If you would like to discuss this further, contact Gary Cox, Chairman of the Building Committee. That is the latest letter. There should be three letters now. As an overview of what was done last month, Stacey went to her notes; however, Mayor Adams suggested tabling it to next month. It is on the last page of your group of the fire company - August 13, (the front page). It is the last page. Vice Mayor Truitt made a motion to table this matter until next month's meeting, seconded by Councilwoman Flowers and unanimously approved.

Vice Mayor Truitt made a motion to enter into Executive Session at 9:50 P.M., seconded by Councilman DeHaven and unanimously approved.

Upon motion made by Councilman DeHaven that Patrolman Ober may begin use of the Town Patrol Car as a take home vehicle immediately, seconded by Vice Mayor Truitt and unanimously approved.

Upon motion made to approve the December Executive Session by Vice Mayor Truitt, seconded by Councilman DeHaven, and unanimously approved.

Upon motion made by Councilman DeHaven, seconded by Vice Mayor Truitt, and unanimously approved the Executive session was adjourned at 10:10 P.M.

The Council re-entered the Meeting. Upon motion made by Councilwoman Flowers, seconded by Councilman DeHaven and unanimously approved, the meeting was adjourned at 10:12 P.M.

Respectfully submitted,

Rae Long
Administrative Assistant

These minutes summarize Agenda items and other issues discussed at this Council Meeting. Votes are recorded accurately. The recording of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The recording may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.