

**MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
Bethel Center – 28311 Clayton Street
Monday, July 27, 2009**

Mayor Baker called the meeting to order at 7:00 p.m. Those present were Vice Mayor Adams, Councilwoman Flowers, Councilmen Hearn and Truitt; Stacey Long, Town Clerk; and other interested parties on the sign in sheet.

Public Hearing and Vote:

An ordinance to amend Chapter 243 entitled “Taxation” by adding to Article I, Section 243-1 a new subsection D to provide for an exemption from the payment of realty transfer tax for first time home buyers. This is actually a Public Hearing which was from last month. We took Public comment last month and we failed to vote upon it. It is open for vote by Council this month. Is there anyone who would like to comment to hear any opinions or do we want to call for a vote? Councilwoman Flowers made a motion that we open the floor for comments from the public, seconded by Councilman Hearn and unanimously approved. Mayor Baker asked that the person wishing to speak state his name and address for record. Mr. John Hansken on Warrington Street, which is located behind Bodies Market. He stated that he is not in favor of this because now the County and State are trying figure ways to make money and our budget isn't bad, but the monies may drop and you have a \$15,000 deficit in the water fund..... It might be good for the builder, but the builder could lower price a little bit and that might sell the houses. Right now, we are holding our own....he reads the Wave and some of these Towns are trying to get money to pay their budget. I think it is best to keep it as is. In a way it is a good idea, but I don't think this recession is over yet. I feel we will have another 6 or 8 months of this. I think we should leave it as is. Mayor Baker thanked him for his comments.

There were no other comments heard so Mayor Baker asked for a motion to close the Public Hearing or would you like to discuss it among yourselves. Vice Mayor Adams made a motion to close the Public Hearing, seconded by Councilwoman Flowers and unanimously approved. Are there any comments from the Council? Vice Mayor Adams said that she agreed with the gentlemen who just spoke and felt it is something we do not need to be trying at this time. Let the revenues come in as we can get them. Councilman Hearn stated that he had been in favor of doing this since we began discussing it two or three months ago. Looking through the packets which we received tonight, Councilman Hearn said he was not to sure it was a good

time to do it. It looks as though we are starting to have to tighten down more and more. I don't know that there would be many, if any, occurrences where this would apply between now and the end of the year. I am in favor of doing this, but I am not sure it is the right time. Councilwoman Flowers expressed her opinion in that she is opposed to it and would be happy to make a motion. Mayor Baker does not wish to go against Council or the Public. I thought it was a good idea. I thought if a young person has placed themselves in a financial position to be able to move forward and this would be the one thing that would get them in a position to buy a house. I also agree we are in a recession, times aren't all that good. I don't know if it would have a large impact on the Town. Councilman Hearn made a motion that we table this ordinance until January, 2010. I would like to reassess the economy and the economy of the Town at that time and revisit it. Councilwoman Flowers wanted to know if it would be on the January Agenda without notifying the Public. If we were to wait that long, we would have to re-notify the public. Mayor Baker felt what Councilman Hearn was saying to leave it status quo until January and re-look at it and make a decision to whether you want to bring it back up. Councilman Hearn stated that would give us a 5 ½ month period to see what the economic flow is as far as the country is concerned as to whether the recession is leveled off and diminished or if it seems to be long term. If it seems to be long term, I think we had just better off just let it die. If we think the recession is having a recovery then maybe we can re-visit it and possibly help some young people out. It may seem like it was too long ago, but I recall the first time I was trying to get money together to build a house. I do remember that far back, in spite of what some people may think, but every little bit helps a lot. That is why I made the motion. Mayor Baker asked if it was his intention to table it until January. Councilman Hearn replied that it was. Stacey said Mayor Baker would have to call for a second to Councilman Hearn's motion and if no one seconds it, the motion dies and a new one may come up. At this time on Councilman Hearn's motion to table this ordinance amendment until January, 2010 and revisit it in January, I need a second on that motion. There being no second. Are there any other motions? Councilwoman Flowers made a motion to deny the ordinance to amend Chapter 243 entitled "Taxation", seconded by Vice Mayor Adams. Vice Mayor Adams, Councilwoman Flowers, and Councilman Truitt voted in favor of the motion. Councilman Hearn and Mayor Baker were opposed to denying the proposed ordinance. The motion carried – 3 to 2.

Presentation of Building Permits Issued:

There were two permits issued this month. One was for the Woodlands of Pepper's Creek. They pulled a building permit for one building, which are two twin houses. The other was for a tenant fit out at Clayton Crossing for a Sunroom/Showroom.

New Business:

We have an application pending for a liquor license for Rincon Jarocho. Mr. Neil Dunn is the owner of the building and has applied for the liquor license in his name. There is no expansion to the business. There will be no bar area and the drinks will be served out of the kitchen. Vice Mayor Adams wanted to know if we have to notify people within so many feet of the establishment.....Stacey told Council that is the ABC's responsibility. The only thing the Town is responsible for is they have to fill out a Certificate of Compliance Application. The Town of Dagsboro has to go in and make sure they meet all of the specifications of a restaurant. We can't control whether or not they serve alcohol. Stacey also told Council that the ABC will not begin their process until the Town of Dagsboro signs that they comply with our zoning ordinance. Vice Mayor Adams asked if DelDot had to get involved about the parking. She questioned if they have ample parking. Mayor Baker said, yes, they are already an existing business. Can you explain to people here where they would park, Vice Mayor Adams asked. Mayor Baker said it is an existing business. They have parking behind the building, in front of Town Park and the West side of Clayton Street. They can park on the sides of the streets. Mayor Baker stated that parking is permitted in Dagsboro on either side of the street. Vice Mayor Adams asked how far down on the restaurant side of the street....did you say until Canal Street. It is 20 or 22 feet before the turn lane. It is on this side of Canal Street and on the street side of the Park. She felt it is a very dangerous traffic situation.

Planning and Zoning Report:

There was no July Meeting of the P & Z. Council received a copy of the Highlands of Pepper's Creek and review letter in their packet. If you have any questions which you would need to forward to P & Z, either do it through Town Hall or get a list together and give them to Marj directly and they will have some idea what questions we will want answered prior to the Council meeting. Councilman Truitt asked if there had not been any change in either the final plan or the new preliminary plan. Mayor Baker said as it stands now they have a final site plan that has been approved and accepted by the Town. This is a re-submission of the development. This is still under consideration and P & Z will take it up at their August meeting. If you have any questions prior to their August meeting that you need clarification on, please give to Marj or forward to Stacey and she will get it to P & Z.

New Business:

There is nothing to report under new business.

Correspondence:

The Mayor reported he was happy to announce that NRG has presented Mrs. Margaret Morris, Chairwoman of the Beautification Committee of the Town of Dagsboro, a check to the Virden Company and placed an order for a beautiful clock to be placed in the Town Park.

Without this gracious donation from NRG the “dream of Ms. Margaret” to have her clock in the park would not have been possible. They also wanted it to be her “dream clock” and with the funds she and members of the Beautification Committee have slowly collected over a long period of time, a Westminster Chime and Chamber Carillon Sound System inside the clock have been installed. The clock is hand assembled and is being done as I speak. It is being shipped and NRG will even have their engineers help to install it. We hope to have it here and in place within 6 to 8 weeks. NRG has excited about the opportunity to help the Dagsboro Community. We will have a formal dedication and you will get a chance to meet our friends and some of these nice people.

NRG provides the electricity for many of the area companies, and needless to say, many of your families and friends. The Town could never have afforded such a gift. When presented with the check Ms. Margaret said, “Thank you, Jesus, for providing for us”. NRG’s generosity in providing this gift is beyond anything I had expected and hoped for.

Special thanks to NRG, Plant Supervisor, John Robertson; Vickie Croley, Business Services Supervisor; Bruce Daisey, Plant Liaison Committee, and all of the employees who work there, and Mrs. Margaert Morris and members of the Dagsboro Beautification Committee for being the inspiration for the gift.

Stacey reported that Council got a letter from the Delaware Department of Transportation where our Municipal Street Aid Funding was cut for the fiscal year 2010. There will not be funds for street maintenance this year.

Presentation of Treasurer’s Report:

Stacey read the Treasurer’s Report and Council members had a copy in their packet to review. There is also a budget analysis from July 2008 to June 2009. It appears it will cost \$11,336.63 a month to operate the police department. This includes insurance, benefits, compensations, all utilities and expenses and the annual amount is \$136,039.60. Mayor Baker explained that this is a guideline for our police department to take a look at and Stacey wrote down everything to include heat, taxes, and insurance, everything, that represents that portion utilized by the police department. It is a comprehensive look at what it costs us to operate the police department. The only thing this is designed to do is keep these numbers in front of us on a budget basis. Stacey explained that there is an annual column and a monthly column. In order that he not hold the meeting up further, Councilman

Hearn said he would get with Stacey later on these figures. Mayor Baker said it is a place to start. It is the first year we have done it. Next year when we do the Budget we will develop a history. Councilman Truitt made a motion to accept the Budget as presented, seconded by Vice Mayor Adams and unanimously approved.

Approval of the Minutes for June 22, 2009. Mayor Baker stated that the Minutes are not yet completed.

Standing Committee Reports:

Police Department Report: In the absence of Chief Toomey, who is ill this evening, Stacey will present the Police Report. For the month of June the Statistical Report (Council members have a copy of the report)...Miles Driven – 3,176; Total Traffic Arrests – 109; Total Traffic Warnings – 22; Total Criminal Arrests – 5; Total Local Ordinances – 6; Business License Checks – 3; Total Hours - 336; Patrol Hours - 218 ³/₄; Investigative Hours - 66; Administrative Hours – 50 ¹/₄; Business Checks – 464; Complaints 38. The monthly highlights are Traffic collisions and shopliftings have seen a marked increase this month. Sgt. Litten, after many exhaustive hours of investigation, solved the Bodies Market burglary. At this time two juveniles have been arrested on numerous charges and warrants are outstanding on an adult male. Reminder that July 13th is scheduled for the Buckle-Up Stencil Program. Vice Mayor Adams asked if we knew if there were any participants in that program. Mayor Baker said yes, there are several around town. Bodies, Post Office. Councilman Hearn saw a monthly total of traffic arrests for year 2008 and 2009. I requested Floyd to bring a copy this evening, but since he is ill, he did not get here to present this information. For the first half of the year traffic arrests of 2009 are up above 2008. I have not seen a comparison of criminal arrests, but I would be willing to bet they are up from the first six months of 2008 as well. Mayor Baker would help the conviction rate would be up on those, but not the actual criminal arrests. Councilwoman Flowers noted that she feels we have an outstanding police department and is still thrilled about it. She likes that they are so visible and would feel safer and would like them to be here from 11 p.m. to 7 a.m., but it is just not possible. She thinks they are doing a great job. Vice Mayor Adams asked if we were still working on that where they will do some of that erratical. Councilman Hearn stated they have worked a couple of odd shifts...not a lot. He did not think anyone had worked 11 p.m. to 7 a.m. He plans to have some discussions about that.

Hazard Inspection Committee:

Councilman Hearn said the Hazard Committee has nothing to report.

Town Property/Town Improvement:

We have talked about the Clock and if we ever get the inmates back we are going to continue to repaint the curbs in Town. I just got a notice today from DelDot that in

the 2010 budget, we will be able to repave the road from Main Street down Piney Neck Road to Town Limits.

Prince George's Chapel Cemetery:

Vice Mayor Adams said she had noting to report.

Mayor Baker asked if anyone had anything for the good of the community. Are there any comments from the Public? Is there any reason to go into Special Session?

Upon motion made by Vice Mayor Adams, seconded by Councilman Hearn, and unanimously approved the meeting adjourned at 7:40 p.m.

Respectfully submitted,

**Rae M. Long
Administrative Assistant**

RML/rml

These minutes summarize Agenda Items and other issues discussed at the 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.

