



Minutes of the Regular Town Council Meeting Monday, November 10, 2014

1. Call Meeting to Order

Mayor Krause called the November 10, 2014 Regular Town Council Meeting to order at 7:32 PM in the downstairs meeting room of the Slaughter Beach Memorial Volunteer Fire Company. Council members present were Mayor Bill Krause, Vice Mayor Amy Parker, Treasurer Jackson Gingrich, Secretary Glenn Stieffenhofer, and Councilperson Kathleen Lock. Signed in community members are shown on the attached sign-in sheet.

2. Welcoming and Announcements

Mayor Krause welcomed everyone to the meeting and expressed his appreciation for those that were able to attend. He reminded everyone that of the Community Outreach meeting scheduled for November 22, 2014 at 11 AM to discuss Delaware's Revised Septic System Regulations. The guest speaker will be Jim Cassidy from DNREC.

3. Approval of November 10, 2014 Regular Town Meeting Agenda

Motion: A motion was made by Amy Parker to move agenda item 8.g, Flood Plain Ordinance Workshop, up on the agenda to come after Comcast. Jackson Gingrich seconded the motion. **Motion carried unanimously, 5 – 0.**

Motion: A motion was made by Amy Parker to move to also move agenda item 8.b, Town Park Grant, to come after the Comcast and the Flood Plain Ordinance Workshop report. Kathleen Lock seconded the motion. **Motion carried unanimously, 5 – 0.**

Motion: A motion was made by Jackson Gingrich to approve the November 10, 2014 meeting agenda with changes as proposed. Amy Parker seconded the motion. **Motion carried unanimously, 5 – 0.**

4. Approval of the October 13, 2014 Regular Town Meeting Minutes

Motion: A motion was made by Kathleen Lock to approve the minutes of the October 13, 2014 Regular Town Council Meeting. Amy Parker seconded the motion. **Motion carried unanimously, 5 – 0.**

5. Special Guest – Chris Comer, Comcast

Mayor Krause introduced Chris Comer, Director of Government and Regulatory Affairs for Comcast Cable.

Mr. Comer commented that he was fortunate to arrive in town yesterday and has had time to explore our wonderful town – he said it is a beautiful town and a beautiful area and he appreciated the opportunity to have a few minutes to speak at tonight's meeting.

Comcast has a contract with the Town that allows them to use the Town's rights-of-ways to have their infrastructure in place. This contract has been in place for a number of years and it's a non-exclusive contract, meaning any other company could come in to provide service. Tom Worley was the previous Director of Government Affairs but retired in May and Chris took over his responsibilities. Chris said he is still learning and it is an honor to be here and he looks forward to working more closely with everyone.

Mayor Krause asked if Comcast runs fiber in our area commenting that many have great difficulty with cell phone service. He asked what we could do to improve the situation using Comcast's fiber network. Chris said he doesn't know if he has a solution. A long time ago Comcast had their own cellular business but sold it off. Right now, it is a missing piece of the products they offer, and nothing new has come to pass. Their current focus is on building out

the countries largest WIFI network so if you have Comcast in your home, you could access it from anywhere there is an Xfinity hotspot. Amy Parker asked if Chris could email more information on this so we can put it on our website – Chris said he would do so and said there is an app for it as well.

Amy Parker asked if cable lines that have been in place for a number of years would benefit from being replaced with newer cable lines. Chris said that with newer services especially, the feeder cable that runs to the house may need to be replaced. If there were a problem, they would come out and test everything and replace the line if needed.

Brenda Desjardins noted that she has worked with Chris and his former supervisor in the past regarding sponsorship money when she chaired a non-profit in Maryland. She said that Comcast has always been a good community and corporate partner and we can definitely count on Chris. Chris said that Comcast has always tried to give back and said if there is anything going on the community that we are looking for a partner on, to call him and he will see what he can do.

Chris explained that the franchise agreement is generally an automatic five-year extension, but the agreement letter was misdated. His predecessor tried reaching out to our previous Mayor but never get a response. Glenn Stieffenhofer asked if 5% was typical and what other town's were doing. Chris said that the range is 0% - 5% with most at 5%, which is the maximum allowed by federal law.

In closing, Mr. Comer thanked everyone for their time and said that as a Poly Sci major in college, it is great to see such good attendance at the meeting and democracy at work. He thanked the Council members for serving the community and said that is looking forward to coming back to visit again.

6. Reading of Correspondence

- Letter from ACLU – Already talked about at special meeting at 6 PM
- Letter requesting use of the Town Pavilion for a wedding
- Request for proclamation – Pancreatic Cancer Awareness Month – This is something the Mayor can do.

7. Reports

a. Treasurer

Treasurer's Report

Jackson Gingrich presented the October 1 – 31, 2014 Treasurer's Report. The General Fund had deposits of \$33,020.00 and expenses of \$14,282.32 leaving an ending balance of \$43,981.37. The Municipal Street Aid Fund had expenses of \$7,282.83 and an ending balance of \$2,705.63. The Realty Transfer Tax Account had expenses of \$750.00 and an ending balance (including CD) of \$496,951.68. Summing the above, the Town's total ending cash balance as of October 31, 2014 was \$543,638.68. The detailed Treasurer's Reports are posted on the Town website under the Town Council tab at <http://slaughterbeach.delaware.gov/town-council/financial-reports>.

Dan McCarthy asked if the bathhouses were winterized. Jackson said that he gave Charlie Moore keys and will follow up with him to be sure it was done. Dan McCarthy asked for clarification on the date the bathrooms were closed – was at the end of October or mid-month. Jackson stated the baths were closed.

Motion: A motion was made by Kathleen Lock to approve the October 1 - 31, 2014 Treasurer Report subject to audit. Amy Parker seconded the motion. **Motion carried unanimously, 5 – 0.**

Maher asked what we found out about the trash fee. Jackson reported that Peninsula is giving us an offer for the same services we now get for \$130.04 per site per year. Gerry asked about the Republic fee increase. Jackson said that Republic increased the fee \$198.72 per month. Gerry said she is aware that tipping fees went up in July from \$87 per ton from \$85.50. In the interest of time to attend to agenda items, the trash fee discussion was tabled until the next monthly meeting.

Finance Committee

No report – postponed until next meeting.

Audit Status

No report – postponed until next meeting.

b. Building Inspector / Floodplain Manager

Bob Clendaniel reported he spent a total of 7.25 hours in October 2014 for inspection and permit work. Two permits were issued totaling \$350.00.

Amy Parker asked how often he travels through town. Bob said every couple weeks on average.

c. Tax Collector

Angela Tibbitt, reported the beginning bank balance on October 1, 2014 was \$20,521.58. After deposits of \$16,183.56, a check issued to the Town for \$33,000.00, and other disbursements of \$191.75, the ending balance on October 31, 2014 was \$3,513.39. We collected \$712.59 in October making the current bank balance \$4,225.98.

The total 2014 tax billing to owners is \$68,495.76 of which \$63,282.20 has been received through October 31, 2014. With 2013 overpayments applied to 2014, late fees received, and prior years taxes collected, the balance of 2014 tax billings receivables is \$1,949.43. We also have past due tax billing receivables of \$624.43 for prior years.

The monthly Tax Collector's Reports will be posted on the Town website under the Town Council tab at <http://slaughterbeach.delaware.gov/town-council/financial-reports>.

d. Town Street Committee

Jimmy Dalton reported that he has a request in to Delmarva to install a new streetlight at 136 Marina Lane. This would be installed on an existing pole and was requested by the tenant at 136 because of what he perceives as unlawful activity on Marina Drive. Mr. Dinn did not report this to police though Jimmy suggested he do so and try to get any license plate numbers to for the police to determine who they are.

e. Mayor and Council Updates

There were approximately 80 – 100 people (county wide) in attendance at the DNREC Beach Regulations Outreach Meeting held on October 31, 2014. Bill McSpadden will post the meeting provided by DNREC on the Town website.

8. Old Business

a. Grants

Wastewater Management Feasibility Study Grant Update

Kathleen Lock said there is nothing new to report on the Wastewater Management Feasibility Study Grant. It's in progress but it won't be completed until mid-March.

Sea Level Rise Grant

Kathleen Lock was informed that FEMA has approved and they will work with the State to get the contract in place. We should expect something in November or December as it takes that long for the negotiations.

Building for Sustainable Communities

Ed Strauss at DEMA approached us about this grant and we may be able to go after money to raise the additional houses. Kathy contacted all of the people that were involved in the original grant proposal to see if they were still interested. The McNeela family is not interested in going forward, all others that were interested but not part of the FEMA approval are still interested in going forward. It will require a letter of intent to EPA by November 20, 2014. They will work with us and do a couple of workshops with the Town, and together we will figure out how to get the funding to move ahead. Kathleen has drafted a letter that the Mayor will have to sign. At this point, it is just a two-page letter that will tell the federal government

of our interest in moving forward. If this doesn't go through, there may be another opportunity for a Hazard Mitigation Grant in April 2015 depending on funding.

Motion: A motion was made by Kathleen Lock to submit a Letter of Interest to the Environmental Protection Agency indicating the Town's interest in elevating five houses. Glenn Stieffenhofer seconded the motion. **Motion carried unanimously, 5 – 0.**

b. **Town Park**

Grant

Kathleen Lock reported that she met with the representative from All-Pro Courts on a cold rainy October day and the bubbling wasn't visible. He can't fix what he can't see. He has agreed to come back out in April when it warms up again to fix it. It's a temperature change issue and when it gets warm it will probably bubble again.

Lease Update

Barrett prepared an addendum to the old lease and sent it to the Fire Department and they incorporated that into a new lease with some changes. Barrett explained that the lease is a five-year lease with the ability to renew up for five additional terms for a 25 year total. We have confirmation that 25 years is long enough for the grant. He expressed concern that although we have absolute right to renew with issue, we have to let them know in time or we would be in default. Barrett said that he could go back and say that we prefer it to be a flat 25-year term, which would be easier to track. The lease fee is \$5 per year and Barrett recommends paying the entire \$125 up front so we can't be in default of the lease.

The new lease requires \$3M in insurance; our current policy is for \$1M. Jackson Gingrich said that L & W is not writing new policies for Towns and we would have to go with another company if we were to make a change in the middle of the policy year. Amy Parker said that her understanding is our current insurance company will not write a policy for \$3M – Jackson said his understanding is that they would do so upon renewal, but would not change the currently policy mid-term. Bill Krause suggested a supplemental or umbrella policy might work. Either way, we would have to modify the lease if we don't have a \$3M policy at the time of signing the lease. If \$3M is okay, when can we have it in place? Jackson will follow up with L & W to see if/when we can increase the policy to \$3M

The other open question is the legal description of the property. Barrett said he was trying to define the area using the metes and bounds description, but that wasn't very successful without an accompanying survey. Options would be go do a sketch, or we could get a surveyor, but in the end we have to agree with the Fire Department as to the boundaries of what we are leasing.

Kathleen Lock asked if we could renegotiate the lease to a flat 25 years or at least to automatically renew. It took us two years to find the lease and it was in the Town's safe deposit box so there is likelihood that future Councils could miss the date to notify the Fire Department of the intent to renew. Additionally, Kathleen suggested we hire a surveyor to give us the boundaries of the actual area we are leasing since a \$500 fee for the surveyor is small compared to liability outside of that area. Dan McCarthy suggested we use the aerial photograph showing the area that was used for the grant.

Motion: A motion was made by Kathleen Lock to approve the lease subject to identifying the area to be leased; and changing the terms to a flat 25 years, or 5 years with automatic renewal for a total of 25 years. Jackson Gingrich seconded the motion. **Councilpersons Krause, Gingrich, Lock and Stieffenhofer voted to approve the motion with Councilperson Parker opposing. Motion carried 4-1.**

c. **Job Descriptions**

Trisha Anne Saunders and Amy Parker have worked on the job descriptions for the Town Clerk, the Property Maintenance position, and the Grounds Maintenance position. Each Council member has been provided copies for review. The next step is to get input from the current employees for input and

hopefully we can vote on the descriptions at the next meeting. They are currently working on the Floodplain Administrator's job description and hope to have that ready next month.

d. **CLUP**

Mayor Krause said that Bill McSpadden has put a lot of work into the CLUP revisions and asked him to report. Bill said that the biggest problem was when a previous council created the Wharf District; they took out the residential aspect so we added that back in with the zoning maps.

Bill said that once and if approved, he will send a copy to Dorothy Morris of the Office of State Planning Commission for input and then officially submit it to OSPC to be placed on the Preliminary Land Use Service (PLUS) schedule.

What we updated was basically the land use classifications, demographics, individual septic systems, beach replenishment, and floodplains. We added sea level rise, and a section on the Bayshore Initiative.

Motion: A motion was made by Kathleen Lock to approve the update to the Comprehensive Land Use Plan. Jackson Gingrich seconded the motion. **Motion carried unanimously, 5 – 0.**

e. **SBZO and New Zoning Map**

Now that we have new zoning maps, the next step is a public hearing as part of the approval process. The plan is to incorporate at the same time as the FPO. Council doesn't need to vote on having a public hearing because it is required as part of the process.

f. **Voting Procedures Committee**

Amy Parker suggested keeping this discussion to the special meeting on December 3rd. Council agreed.

g. **Floodplain Ordinance Workshop**

Bob Clendaniel reported that he attended a workshop with Sussex County on October 30, 2014 with Mayor Krause, Vice Mayor Amy Parker, and representatives from Sussex County and DNREC. It is our intent to piggyback our ordinance with Sussex County since they administer our ordinance since there would be less likelihood for confusion when Sussex County does technical reviews. We have been waiting for Sussex County to finalize their ordinance. They drafted one last year and sent to FEMA and didn't get a response. Sussex County has since rewritten their entire ordinance. Their final is based on FEMA's model FPO. There are a couple of questions for council before we can finalize ours.

Minimum of one foot freeboard above BFE. Sussex County is not requiring freeboard. Everyone know what freeboard is? Brenda Desjardin replied that she didn't know what that meant. Bob explained. Our ordinance currently doesn't require freeboard. We did once before and a past council did away with it. FEMA is recommending 1 foot of freeboard with the greatest benefit being better insurance rates. We should allow 1 foot freeboard, and under zoning ordinance, we could allow a property owner to go higher, if desired. However, we need to work on height issue in conjunction with freeboard. Becky Craft asked about an issue with Dewey Beach. Barrett has gone through the issue of freeboard multiple times with other municipalities in Sussex County. The Council should remember that FEMA is unforgiving if you make a mistake. This means that if we require 1 foot of freeboard and if someone builds their house at 11" instead of 12", FEMA will require that the Town file suit against the owner. So the Town has to follow very strictly and even if a surveyor makes the mistake, it's up to the Town to rectify.

Change the building height measurement from the "center of the road" to "Base Flood Elevation (BFE). Because we are thinking of encouraging people to build higher than BFE and adopt freeboard, then we change the height restriction. We should perhaps consider setting the height limitation at 30 feet above ground level.

Kathy – new FIRM maps change BFE from 8 to 14 feet above Sea Level could cause inconsistency with height limits. Bob’s recommendation is that the fairest thing is to allow people who choose to add more freeboard to go a little higher. The question is “how much higher?”

Amy – why do we have to set a limit on how high a person can go? Bob: We need to restrict height because the zoning laws are intended to provide some consistency in town, and one historic issue is height. Amy to Barrett - do you have an opinion on BFE? The height restriction is usually what makes people the most concerned and we need to have some restriction so we don’t have a situation where somebody builds a lot higher than neighboring houses and restrict light and air for their neighbors. The International Building Code is requiring 1 foot of freeboard.

Change title of Floodplain Manager to Floodplain Administrator. The requested change is to be consistent with Sussex County ordinances.

Redo Memorandum of Understanding (MOU) with Sussex County. FEMA is requiring that we rewrite our MOU and DNREC gave us a copy of a MOU between Bowers Beach and Kent County so we are planning to adapt that to suit our needs. Barrett will draft up a MOU.

Establish timetable.

Motion: A motion was made by Amy Parker to change the building height measurement from the “center of the road” to the “Base Flood Elevation” (BFE); to require a minimum of one foot of freeboard above BFE and allow up to 1 ½ additional feet for a maximum of 2 ½ feet; to appoint Bob Clendaniel as Floodplain Administrator which is a title change from Floodplain Manager; and to have the Town’s attorney draft a new MOU with Sussex County. Kathleen Lock seconded the motion. **Motion carried unanimously, 5 – 0.**

Amy Parker asked Bob Clendaniel if people ask for forms to build a new house, do you direct builders and designers to the technical bulletins. Yes, if they have specific questions.

Bob reiterated that Sussex County does not want him -- or anyone else – to act as inspector.

Is DNREC still responsible for determining if someone can add fill on their lot? Bob – it’s always been a gray area and they don’t make people aware of the flood zone ordinances. Septic systems are another issue under our flood zone ordinances. Bob will have another discussion with DNREC to clarify that issue.

Bob – one thing council should be clear on is that FEMA will not review it before council approves it and we hold a public hearing on the changes. Barrett said that we will revise the standard template to Rebecca Quinn and get her blessing, Rebecca will send it to DNREC for their blessing and then Rebecca Quinn will send to FEMA.

Notice must be mailed to residents by January or early February at the very latest.

Should we have a public meeting by end of January? Kinks have been ironed out in the model.

Public hearing on Monday, January 19, 2014 at 3 pm. Also cover zoning ordinance and voting ordinances too (for notice requirements). Must have everything out by December 19th. How much time do we need to prepare? Kathy McFadden will be able to get it out if we get it to her.

We need to write a notice, post it on bulletin board and website, and put it in the paper.

9. New Business

Bayshore Initiative (BSI)

Discussion and possible vote to write a letter to Karen Bennett in support of all the work BSI does, and request we receive an interpretive sign.

Motion: A motion was made by Amy Parker to prepare a letter of support for the Bayshore Initiative. Glenn Stieffenhofer seconded the motion. **Motion carried unanimously, 5 – 0.**

Slaughter Beach Wildlife Certification

Bill McSpadden reported that 18 homes in Slaughter Beach are certified through the National Wildlife Federation program as a Certified Wildlife Habitat. With the backing of Town Council, he would like to roll the program out to the entire Town so we can become certified as a Community Wildlife Habitat. Right now, two other towns in Delaware have been certified, Townsend and in October Newark became the second in Delaware and the 78th in the nation. Slaughter Beach can be the third in Delaware. Bill would like to use a tab on the website and send one email to the Town to promote the program. The goal is to be certified by spring before the Horseshoe Crabs, shorebirds, and Diamondback Terrapins return.

You don't have to be an avid gardener or a full time resident to participate in this program; sometimes minimal effort or even slight changes can make your yard qualify to be certified. If you are not sure if your yard qualifies or if it does not meet all the qualifications and want help, or if you have questions, send an email to slaughterbeep@comcast.net.

Motion: A motion was made by Jackson Gingrich to approve Town participation in the initiative to become certified as a Community Wildlife Habitat as led by Bill McSpadden and to write a letter showing the Town's support in the initiative. Kathleen Lock seconded the motion. **Motion carried unanimously, 5 – 0.**

10. Public Comment

Gerry Maher– Did Jimmy Dalton say he already ordered the streetlight for Marina Drive? Didn't you say you were going to vote on it? The streetlight on Marina Drive was voted on and approved two or three months ago. We are still waiting on information from Delmarva on the proposed streetlight on Beach Plum to see what the cost would be. That's the one that still requires a Council vote.

Cynthia Lyons said that she wasn't able to attend the special meeting at 6 PM and wanted to know if the results of the Election/Voting survey would be available. Glenn Stieffenhofer said the survey results and meeting minutes are posted on the Town website under the "Special/Committee Meeting Agendas and Minutes" tab.

11. Upcoming Events

- New Septic Regulations Meeting – Saturday, November 22, 2014, 11 AM
- Town Committees Meeting – Monday, December 8, 2014, 6 PM
- Regular Town Council Meeting – Monday, December 8, 2014, 7 PM
- Community Pizza Night at Grotto's in Milford to benefit Memorial Volunteer Fire Company. The event will be held on Wednesday, November 19, 2014 from 4 PM – 9 PM. 20% of your total bill will be donated to the Fire Company.
- Chicken Dumpling Dinner – Sunday, November 16, 2014 from 12 PM – 5 PM at the Memorial Volunteer Fire Company.

12. Adjournment

Mayor Krause adjourned the meeting at 9:16 PM.

Respectfully submitted,



Glenn Stieffenhofer
Town of Slaughter Beach
Secretary

