



Minutes of the Public Hearing Monday, January 19, 2015

1. Call meeting to order

Mayor Krause called the January 19, 2015 public hearing to order at 3:25 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. Community members in attendance are shown on the attached sign-in sheet.

2. Welcome and introductions

Mayor Krause thanked everyone for the turnout and expressed appreciation to everyone who worked diligently on the documents being discussed today. He introduced the Council members and our Town Attorney Barrett Edwards who will moderate the meeting.

3. Discussion and possible vote to adopt "An Ordinance Repealing the Existing Slaughter Beach Zoning Ordinance and Adopting a New Slaughter Beach Zoning Ordinance (SBZO) Establishing Comprehensive Zoning Regulations for the Town of Slaughter Beach, Delaware and Provision for the Administration, Enforcement, and Amendment Thereof" including any additions or deletions resulting from the public hearing and/or Council discussion.

Mayor Krause noted that 5.6.1 (Accessory Buildings) excludes a provision for frontage that is exactly 50 feet and should be changed to "lots with frontage greater than or equal to 50 feet".

Also, section 12.1 does not clarify if a BOA member can also be a member of the Planning and Zoning Commission. This should be changed to "BOA member shall not be a candidate or member of the Town Council or Planning and Zoning Commission nor an employee of the Town".

Motion: A motion was made by Kathleen Lock to approve "An Ordinance Repealing the Existing Slaughter Beach Zoning Ordinance and Adopting a New Slaughter Beach Zoning Ordinance (SBZO) Establishing Comprehensive Zoning Regulations for the Town of Slaughter Beach, Delaware and Provision for the Administration, Enforcement, and Amendment Thereof", subject to the changes to 5.6.1 and 12.1. Jackson Gingrich seconded the motion.

Motion carried unanimously, 5 – 0.

4. Discussion and possible vote to approve the rezonings outlined below, to be reflected in an updated Zoning Map, including any changes to the proposed rezonings resulting from the public hearing and/or Council discussion.

THE PARCELS BEING REZONED FROM R-2 (RESIDENTIAL-2) TO R-1 (RESIDENTIAL-1) ARE TM# 230-4.00-24.00, 230-4.00-24.01, 230-4.00-23.00, SMITH, WILBUR O & MARJORIE M, 203 BAY AVE; TM# 230-4.00-22.00, BURCH, MARY LEE, 207 BAY AVE; TM# 230-4.00-21.00, MOORE, NORMAN WALTER JR, 211 BAY AVE; TM# 230-4.00-20.00, LINBURG, JOEL L, TINA M LINBURG, 213 BAY AVE; TM# 230-4.00-19.00, HAINES, DONNA M, 215 BAY AVE; TM# 230-4.00-18.00, EVANS, DONALD E, 217 BAY AVE; TM# 230-4.00-17.00, WRZESNIEWSKI, DANIEL & SARA L, C/O STEVEN WRZESNIEWSKI, 219 BAY AVE; TM# 230-4.00-16.00, ANDERSON, ROY, PAM ANDERSON, 223 BAY AVE; TM# 230-4.00-15.00, WRZESNIEWSKI, CHARLES, 225 BAY AVE; TM# 230-4.00-14.00, DAVIRATANASILPA, SVASTIJAYA, 227 BAY AVE; TM# 230-4.00-13.00, WILLIAMS, ANN, 229 BAY AVE; TM# 230-4.00-12.00, MASSELLA, RALPH A, 231 BAY AVE; TM# 230-4.00-11.00, HOUSEMAN, LAWRENCE G TRUSTEE, 233 BAY AVE; TM# 230-4.00-10.00, BRADLEY, PHILLIP T, FRAN W BRADLEY, 235 BAY AVE; TM# 230-4.00-9.00, WHITE, JAMES J, ETHEL M WHITE, 237 BAY AVE; TM# 230-4.00-8.00, BLACK, JOSEPH E, CATHERINE K, 241 BAY AVE; TM# 230-4.00-7.00, 230-4.00-6.00, BERGSTROM, ERICA J, 247 BAY AVE; TM# 230-4.00-5.00, CLENDANIEL, ROBERT C, JANET L STEATES, 249 BAY AVE;

TM# 230-4.00-4.00, SUCHOBOKY, PETER S & CAROL WOERLESUCHOBOKY, 251 BAY AVE; TM# 230-4.00-3.00, CARROLL, GERALD G, MARGARET E CARROLL, 253 BAY AVE; TM# 230-4.00-1.00, PARKER, PRESTON L TRUSTEE, AMY J R PARKER TRUSTEE, 255 BAY AVE; TM# 230-4.00-1.01, DEFOSSE-MCNEELA, NANCY W, 257 BAY AVE; TM# 230-1.00 178.00, WILSON, BARBARA, 261 BAY AVE; TM# 230-1.00-177.00, HARGROVE, JOHN R, JR JANE H BROWN, 263 BAY AVE; TM# 230-1.00-176.00, NOPLOCK, MARIE, 265 BAY AVE; TM# 230- 1.00-175.00, SIPPLE, HOWARD L JR, SIPPLE, LOUISE G, 267 BAY AVE; TM# 230-1.00-172.00, 230-1.00-173.00, 230-1.00-174, MCSPADDEN, WILLIAM H, 277 BAY AVE; TM# 230-1.00-171.00, ESPOSITO, CURTIS VINYARD & MARY, LYDE FOSTER ESPOSITO, 279 BAY AVE; TM# 230-1.00-170.00, PIERSON, BARBARA A *FOR LIFE*, JOHN L PIERSON, 281 BAY AVE; TM# 230-1.00-170.01, GERWIG, JEFFREY C & NORMA A, 285 BAY AVE; TM# 230-1.00-140.01, 230-1.00-140.00, 230-1.00-140.00, DRAPER, FRANK S TRUSTEE & MARILYN P, DRAPER TRUSTEES, 351 BAY AVE; TM# 230-1.00-137.00, ANZOLUT, AMELIA J TRUSTEE, 355 BAY AVE; TM# 230-1.00-136.00, TOWN OF SLAUGHTER BEACH, BAY AVE; TM# 230-1.00-135.00, MEMORIAL VOLUNTEER FIRE CO., BAY AVE; TM# 230-1.00-134.00, PICAZO, JOSE S, 361 BAY AVE; TM# 230-1.00-6.00, VALERI, JILL JOSEPH VALERI, 350 BAY AVE; TM# 230-1.00-8.00, SPRINDIS, JOHN A, DIANE P SPRINDIS, BAY AVE; TM# 230-1.00-112.00, ZEIGLER, DAVID J & ARLENE E, BAY AVE; TM# 230-1.00- 111.00, WONG, EUGENE K & JILL A CANTER, 370 BAY AVE; TM# 230-1.00-110.01, STROBEL, JOHN JR & LEONA C STROBEL, BAY AVE; TM# 230-1.00-110.00, BEIDEMAN, GEORGE J, PATRICIA M BEIDEMAN, BAY AVE; TM#S 230-1.00-109.00, 230-1.00-108.00, LEACH, ARTHUR A JR & JUDITH A, 388 BAY AVE; TM# 230- 1.00-107.00, 230-1.00-106.01, MACKLIN, JOHN E & JANET E MACKLIN, 392 BAY AVE; TM# 230-1.00-106.3, ROACH, ELLEN MARIE, BAY AVE; TM# 230-1.00-106.02, WHITESIDE, EVELYN E, ROBERT H WHITESIDE, BAY AVE; TM# 230-1.00-106.00, DUNCAVAGE, SANDRA, CHARLES E REED LOT 20; TM# 230- 1.00-105.00, WHITE, MARGERY L, BAY AVE; TM# 230-1.00-104.00, WHITESIDE, EVELYN E & ROBERT H, BAY AVE; TM# 230-1.00-103.00, 230-1.00-103.01, EVERETT, NANCY B, BAY AVE; TM# 230-1.00-102.00, DAVIS, RALPH P SR & SHIRLEY A, 414 BAY AVE; TM# 230-1.00-101.00, MCGEE, BETH & ANN WEARMOUTH, 416 BAY AVE; TM# 230-1.00-100.00, WOOD, ROBERT G & MARY J, 418 BAY AVE; TM# 230-1.00-98.00, METCALFE, JANE E, BAY AVE; TM# 230-1.00-97.00, 230-1.00-96.00, KASDRAS, LAINE B & DEBORAH A, BAY AVE; TM# 230-1.00-95.00, O'BRYON, TOM W II & LUCY D, BAY AVE;

THE PARCELS BEING REZONED FROM R (RESIDENTIAL) TO C (COMMERCIAL) ARE TM# 230-4.00-52.06, SLAUGHTER BEACH, WATER COMPANY, ISAACS SHORE DRIVE; TM# 230-1.00-5.01, DRAPER, FRANK S, MARILYN P DRAPER, BAY AVE;

THE PARCELS BEING REZONED FROM C (COMMERCIAL) TO R/C (RESIDENTIAL/COMMERCIAL) ARE TM# 230-1.00-7.00, RAFTER, WILLIAM J, ROSEMARY T, 360 BAY AVE;

THE PARCELS BEING REZONED FROM R-1 (RESIDENTIAL-1) OR R-2 (RESIDENTIAL-2) TO W (WHARF) ARE AS FOLLOWS TM# 330-5.00-38.00, 330-5.00-39.05, BANTEL, ENTERPRISES INC, SAWYER ROAD; TM# 330- 5.00-37.00, PERZYNSKI, CHARLES D & TODD D PERZYNSKI, 134 SAWYER ROAD; TM# 330-5.00-36.00, 330-5.00-35.00, ACT MANAGEMENT, INC, 132 SAWYER ROAD; TM# 330-5.00-34.00, KLINE, CARL S & ANNA J, 128 SAWYER ROAD; TM# 330-5.00-33.01, 330-5.00- 33.02, 330-5.00- 33.03, BLOOM, RICHARD R SR & MARY V BLOOM, SAWYER ROAD; TM# 330-5.00-33.00, WALLS, DONNA FAYE TRUSTEE, SAWYER ROAD; TM# 330-5.00-32.00, KEIPER, EDMUND W & MARYANN C, 114 SAWYER ROAD; TM# 330-5.00-39.02, WILKERSON, DAVID A TRUSTEE, SAWYER ROAD; TM# 330-5.00-31.00, WILKINS, HOWARD C II, SAWYER ROAD; 330-5.00-30.00, WEBB, FRANCIS B & KATHLEEN L., CEDAR BRIDGE CREEK; 330-5.00-30.00 UNIT 11705, SQUIRES, JOHN K, IMP ON LANDS OF FRANCIS WEBB.

Buddy Webb's property is not within the Town limits and should not have been included in this list.

Motion: A motion was made by Jackson Gingrinch to adopt the new zoning map as presented with the exception of the Webb property, which is outside of the Town limits. Amy Parker seconded the motion. **Motion carried unanimously, 5 – 0.**

5. **Discussion and possible vote to adopt “An Ordinance by the Town Council of the Town of Slaughter Beach Amending the Town of Slaughter Beach Code of Ordinances to Repeal “An Ordinance to Amend Article IV, Chapter 4, Ordinance No. 25-1, ‘Flood Zone Ordinance’ of the Town of Slaughter Beach” and to Adopt a New**

Flood Damage Reduction Ordinance” including any additions or deletions resulting from the public hearing and/or Council discussion.

Barrett Edwards suggested one minor amendment – under the federal regulations they defined new construction two different ways regarding new construction. Section 1.1.2. Substantial improvement. The change he recommends is on page two under the applicability to clarify substantial improvements – “and all substantial improvements to existing buildings and structures and all development and new construction not pertaining to existing building and structures subsequent to the effective date of this Ordinance shall be compliant with this Ordinance.” With this change, only new construction or substantial improvements will be effected by this Ordinance.

FEMA is requiring every town to rewrite their Ordinances and we are being watched more closely or go back on probation or risk suspension. We have until March 16 to approve this or be suspended. Amy Parker expressed concerned about including the amendment and holding it up.

FEMA has adopted new maps that show the BFE increased in some areas and decreased in some areas.

Motion: *Kathleen Lock motioned to adopt “An Ordinance by the Town Council of the Town of Slaughter Beach Amending the Town of Slaughter Beach Code of Ordinances to Repeal “An Ordinance to Amend Article IV, Chapter 4, Ordinance No. 25-1, ‘Flood Zone Ordinance’ of the Town of Slaughter Beach” and to Adopt a New Flood Damage Reduction Ordinance” subject this to language change that Barrett recommended, but if Rebecca Quinn does not approve of the change, approve without the amendment. Amy Parker seconded the motion. **Motion carried unanimously, 5 – 0.***

Discussion and possible vote to approve the “Memorandum of Understanding Between the Town of Slaughter Beach and the County Council of Sussex County Regarding Enforcement of the “Flood Damage Reduction Ordinance of the Town of Slaughter Beach” including any additions or deletions resulting from the public hearing and/or Council discussion.

Barrett has not heard back from attorney for Sussex County but would recommend going forward with approval.

Motion: *Amy Parker motioned to approve the “Memorandum of Understanding Between the Town of Slaughter Beach and the County Council of Sussex County Regarding Enforcement of the “Flood Damage Reduction Ordinance of the Town of Slaughter Beach”. Kathleen Lock seconded the motion. **Motion carried unanimously, 5 – 0.***

6. Discussion and possible vote to adopt “An Ordinance to Establish Election Procedures for General Municipal Elections Held in Slaughter Beach” including any additions or deletions resulting from the public hearing and/or Council discussion.

Barrett Edwards thinks that if we adopt the Ordinance and Charter changes as is, with absentee balloting, we should be in the clear with the ACLU. If we don’t include absentee balloting, there is a high likelihood that we will be sued, which could be expensive, and we don’t know if our insurance would cover the expenses. Barrett also recommended a change to 2.a to include “or supplemental list of property owners”. Amy Parker expressed concern that change in language may concern regarding the ACLU. Barrett said he didn’t think so if we have absentee balloting.

There was a very long discussion regarding the potential costs and if we have or could get the manpower to do absentee balloting properly. Kathleen Lock suggested holding a referendum in July where we could address absentee ballots, noting that if we vote yes for absentee ballots, we are in effect voting for a tax increase.

Motion: *Amy Parker motioned to adopt “An Ordinance to Establish Election Procedures for General Municipal Elections Held in Slaughter Beach” with a modification to add the supplemental list in section 2 paragraph a as recommended by our attorney. Jackson Gingrich seconded the motion. Final vote: Jackson Gingrich – yes; Amy Parker– yes; Bill Krause– yes; Glenn Stieffenhofer- abstained; Kathleen Lock – no. **Motioned carried 3 – 1 – 1.***

7. Discussion and possible vote to approve the “Proposed Amendment to the Municipal Charter of the Town of Slaughter Beach Regarding Election Procedures, Mayoral Elections, and Public Notices,” including any additions or deletions resulting from the public hearing and/or Council discussion.

Motion: Kathleen Lock motioned to approve the “Proposed Amendment to the Municipal Charter of the Town of Slaughter Beach Regarding Election Procedures, Mayoral Elections, and Public Notices” subject to deleting the section regarding Mayoral Election. Glenn Stieffenhofer seconded the motion. Motion carried 5 – 0.

Discussion and possible vote to approve “Resolution of the Town of Slaughter Beach Approving Draft Legislation to Amend Existing Town Charter and Sending the Draft Legislation to Senator Simpson and Representative Kenton,” including any additions or deletions resulting from the public hearing and/or Council discussion.

Motion: Amy Parker motioned to approve “Resolution of the Town of Slaughter Beach Approving Draft Legislation to Amend Existing Town Charter and Sending the Draft Legislation to Senator Simpson and Representative Kenton”. Jackson Gingrich seconded the motion. **Motion carried 5 – 0.**

8. Final Discussion and Public Comment

Amy Parker asked Barrett Edwards if he is sending the documents to our State officials. Yes, Barrett will send the documents and will also sent them to Rebecca Quinn. Barrett will send MOU to the County.

9. Adjournment

Motion: A motion was made by Jackson Gingrich to adjourn the public hearing. Kathleen Lock seconded the motion. **Motion carried unanimously, 5 – 0.** The public hearing was adjourned at 6:05 PM.

Respectfully submitted,



Glenn Stieffenhofer
Secretary

SLAUGHTER BEACH SPECIAL TOWN MEETING

Public Hearing

January 19, 2015

PLEASE PRINT

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