

Minutes of the Regular Town Council Meeting Monday, June 8, 2020

1. Call Meeting to Order

The meeting was called to order at 7:02 pm. Harry Ward, Kathy Lock, Bob Wood, Becky Craft and Gary Plescia all present

2. Welcome -

Mayor Ward welcomed those in attendance and thank them for social distancing.

3. Approval of May 11, 2020 Meeting Minutes

*A motion was made by Kathy Lock to approve the May 11, 2020 meeting minutes. The motion was seconded by Gary Plescia. **The motion carried, 5-0.***

4. Approval of the June 8, 2020 meeting agenda

*A motion was made by Becky Craft to approve the June 8, 2020 meeting agenda. The motion was seconded by Bob Wood. **The motion carried, 5-0.***

5. Reading of Correspondence

Correspondence was received related to ordinances and will be discussed during that part of the agenda.

Mayor Ward received email today from DNREC indicating that they would be citing 377 Bay Avenue for having trash on the dunes and were advising us in advance.

6. Reports:

Treasurer Report – *A hard copy of the treasurer's reports were submitted and are attached to these minutes. A motion was made by Becky Craft to approve the Treasurer's report pending audit. The motion was seconded by Gary Plescia. **The motion carried, 5-0.***

Building Enforcement Officer/ Floodplain Administrator – *A hard copy of the Building Enforcement Officer's report is attached to these minutes.*

Tax Collector Report – During FY 2020 \$89,616 billed, \$88,475 collected, amount still receivable for 2019, \$1,100.

Streets - Jimmy Dalton reported that 2 new speed signs have been delivered and will be installed in the coming weeks. 2 signs will be stationary, one is moveable as needed. Volunteers will be recruited to assist with the installation.

Four streets being upgraded include Marina, Spindrift, Harrison and Bridgeham. JD Asphalt will be doing the work which will be completed in FY 2021.

Mayoral & Council updates

No RASCL/ SCAT Report due to COVID19 restriction.

7. Old Business

Sand on the Beach - No report.

Grants-UD - No update from last meeting. Planned completion is October 31, 2020.

Ordinance Review:

Mayor Ward provided an overall perspective of the project – Enforcement in a small town with no full-time employees has been difficult. Enforcement done as needed but historically ordinances had to be taken to Chancery Court where it is expensive to file so the cost factor not realistic: i.e. fine \$25 for fees in excess of \$5-\$10,000. State laws have changed allowing towns to enforce with fines after hearings. We tried to align, where possible, with ordinances to adhere to State or Sussex County regulations. Both agreed to enforce if ordinances aligned. If not aligned, we will undertake enforcement on our own. Federal, State, County, Town language, the hierarchy of each dictates what happened below. Town code cannot override high authorities but can address lower standards; in most cases goal is to align with.

- i. Zoning Change review and discussion and individual vote*
- ii. Regarding accessory buildings - Hard copy of ordinance attached to these minutes. New permitting will only be allowed in cases*



where accessory building is placed on site where there is an active building permit in place. A question from the community indicated concern about marsh side property that may in the future be used for "storage". The Mayor indicated that already existing zoning laws do not permit properties to be used for anything except residential. Current laws already address this issue and remains unchanged. A motion was made by Kathy Lock to accept the zoning change regarding accessory buildings. The motion was seconded by Bob Wood. **The motion carried, 5-0.**

- iii.** Ordinance Change review and discussion and individual votes on:
- a. Administrative matters and adoption of ordinances methodology changes; Adjusted to align language with State language, added by Town's attorney. A motion was made by Kathy Lock to accept the zoning change regarding administrative matters and adoption of ordinance methodology changes. The motion was seconded by Bob Wood. **The motion carried, 5-0.**
 - b. Indemnification of officers and employees of Town changes ordinance; addressed to align to state law, added by the Town's attorney. A motion was made by Gary Plescia to accept the zoning change regarding indemnification of officers and employees of the Town. The motion was seconded by Kathy Lock. **The motion carried, 5-0.**
 - c. Administrative and adoption of revisions of regulations re: ordinance adoption; Town Charter changes made several years ago but ordinance did not align with that Charter adjustment. This ordinance aligns with the Charter Change. A motion was made by Kathy Lock to accept the zoning change regarding administrative and adoption of revisions of regulations. The motion was seconded by Bob Wood. **The motion carried, 5-0.** Motion: 1st - Kathy; 2nd – Bob 5-0
 - d. Ordinance to update and revise property maintenance requirements; relates to numerous aspects of property maintenance; removes ordinances related to swimming pools (state covered); in general, this ordinance was to define a way to enforce without going to Chancery Court. Reviewed adjustments outlined in the resolution; provides fine structures enforceable by the town; addresses length of term property owners can camp on their properties-this provides 7 consecutive but not more than 2 weeks in a year; vegetation height- aligns with Sussex County code; specifically as it relates to Phragmites



*requires property owners to maintain at required heights if they are not on wetlands and inaccessible. Some questions related to use of the beach by non-property owners specifically. Enforcement of this ordinance aligns with the Sussex County Code with the exception of the exclusion of Phragmites within wetlands. Addressed individually to come to consensus. A motion was made by Kathy Lock to accept the zoning change regarding update and revise property maintenance requirements. The motion was seconded by Bob Wood. **The motion carried, 5-0.***

- e. Ordinance to revise and update the abandoned vehicles regulations: Primarily adjusted for purposes of enforcement. Allows town to enforce rather than going to Chancery Court. Limits non-useable vehicles to 1 per property within view. Defines specifically what the ordinances relate to. Fines limited to cost of enforcement (towing, etc.) Limits parking in public areas from 9pm to 6am. A motion was made by Bob Wood to accept the zoning change regarding revision and update on abandoned vehicle regulations. The motion was seconded by Gary Plescia. **The motion carried, 5-0.***
- f. Ordinance to revise and update the dangerous building regulations - Unable to enforce dangerous building situations without going to Chancery Court. This adjustment allows for a hearing methodology and fines without having to go to Chancery Court. Penalties \$100-\$500 a day for continuing violations. Inspection process will require the Building Inspector to document instances of danger, followed by a hearing and imposition of fines if habitat is found to be dangerous. A motion was made by Gary Plescia to accept the zoning change regarding revision and update to dangerous building regulations. The motion was seconded by Bob Wood. **The motion carried, 5-0.***
- g. Ordinance to update and revise the disorderly conduct regulations - refines definitions of disorderly conduct, related to weapons primarily and sets fines for penalties; additionally, includes regulations related to the municipal pavilion and process for requesting use of said pavilion; and includes construction hours which aligns with Sussex county code. Pavilion use is generally done by reservation but that is not required, and the application indicates that the use is not guaranteed to be exclusive use. A motion was made by Kathy*



- Lock to accept the zoning change regarding update and revision of disorderly conduct regulations. The motion was seconded by Gary Plescia. **The motion carried, 5-0.**
- h. Ordinance to revise and update the keeping of dogs regulations; aligned with the State of Delaware code and assigns fines. Added language related to dog being "under control" and "on leash". State language is "on leash". Discussion about barking, etc. Concerns raised by members of the community about kenneling. The law aligns with State Code and enforce using Animal Control. Same Animal Control personnel will enforce at Slaughter Beach. A motion was made by Gary Plescia to accept the zoning change regarding revision and update on the keeping of dogs regulations. The motion was seconded by Bob Wood. **The motion carried, 5-0.**
- i. Ordinance to revise and update the beach preservation regulations - defines dune area as 1000 feet from the low tide line, aligns with State of Delaware DNREC, addresses removal of beach vegetation and evergreen trees within the municipal confines of Slaughter Beach, allows pruning for normal maintenance and care. Permits clearing for a 3 feet wide walkway to the beach. DNREC enforces beach regulations. A motion was made by Kathy Lock to accept the zoning change regarding revision and update of beach preservation regulations. The motion was seconded by Bob Wood. **The motion carried, 5-0.**
- j. Ordinance to revise and update the tax assessment and RTT provisions – Change address the ability of the town to receive RTT funds and aligns with Charter, additionally addresses reduction of taxes for those over 65 years of age and/or disabled. Language was never official or addressed, just appeared in minutes. This change aligns all to the current charter and does not provide exemption for those populations. A motion was made by Bob Wood to accept the zoning change regarding the revision and update of tax assessment and RTT provisions. The motion was seconded by Gary Plescia. **The motion carried, 5-0.**
- iv. Kathy Lock made a motion for resolution in support of all ordinance changes. Bob Wood seconded the motion. **The motion carried, 5-0.**



- v. *Election Update - No election needed. 3 positions open, 3 people applied all currently sitting on the council. Reorganization will be on July 13th just prior to the regular council meeting.*
- vi. *Passwaters Update – complete, all paved. Limited shoulders*
- vii. *Update on grading the surfaces of 4 access roads within the Town (Harrison, Marina, Bridgeham and Sandpiper) - covered earlier in the agenda.*
- viii. *Update on USDA and Wastewater grant - Both grants are complete but are waiting on reimbursements. Will be taken off agenda in future meetings*
- ix. *Discussion and possible vote on NFWH grant submittal for economic study surrounding the watershed areas of Cedar Creek and Mispillion River. This in conjunction with the Pew Charitable Trust work being done. - Working with PCT to explore ways to address environmental issues/concerns in this area. As a result of initial discussions, SB has been asked to submit a proposal to NFWH to build a partnership with 18 entities to do an economic study of the Cedar Creek and Mispillion Watershed. Study will address more than the tax base, to include eco-tourism, farmland, environmental value of wetlands, the Mispillion harbor, etc. 18 people/entities included in the partnership. Matching grant. Some of the partners include Sussex County, City of Milford, DE Sea Grant, DE Nature Society. The town's contribution would be approximately \$10,000 for the two-year study. Becky Craft made a motion to utilize up to \$10,000 of town funds for the match in the event we do not get the NFWH grant for the performance of an economic assessment of the Cedar Creek and Mispillion Watershed. Bob Wood seconded the motion. **The motion carried, 5-0.***

8. New Business

- i. *Discussion and possible vote on fiscal 2021 budget for the Town - Hard copy of proposed budget is attached to these minutes. RTT amount was averaged from previous year actual. Bob Wood made a motion to approve the 6/13/2020 proposal as presented. Gary Plescia second the motion. **The motion carried, 5-0.***
- ii. *Audit Engagement Letter 2020 audit – Kathy Lock made a motion to accept the audit engagement letter presented by Sombar and Company. The motion was seconded by Becky Craft. **The motion carried, 5-0.***

- iii. *Discussion and possible vote on Beach Plum access walkway naming postponed to July meeting*
- iv. *Discussion of the need for updates to property owner's database. Database progress – Please add your name to the contact list with email and phone number so residents can be contacted in the event of an emergency.*
- v. *5K (May 5th-September 27th) update - Date changed per COVID, theme will change to Ocktoberfest*

9. Upcoming events

- i. *Election, if necessary – July 4, 2020 8:00am – 12:00 pm - No election necessary*
- ii. *Next Council Meeting, July 13, 2020, 7:00 pm*

10. Open Discussion – *Light pollution ordinance will be researched at resident's request*

11. Adjournment – *Becky Craft made a motion to adjourn the meeting at 9:23 pm. Bob Wood seconded the motion. **The motion carried, 5-0.***