

MINUTES: The regular Quarterly Meeting of the Board of Commissioners of the Town of Henlopen Acres held on Friday, January 11, 2013 at 10:00 a.m. at Town Hall, 104 Tidewaters in Henlopen Acres, Delaware.

PRESENT:

David L. Hill	Mayor
Andrew Brittingham	Commissioner
Frank Jamison	Commissioner
Winifred W. Kee	Commissioner
John Staffier	Commissioner
Beatrix Richards	Commissioner
Sharon Karl	Town Clerk
Glen Mandalas	Town Solicitor
Diana Beebe	Rehoboth Art League
Christine Moore	14 Tidewaters
Herb Wilgis	35 Pine Reach
Jane Wilgis	35 Pine Reach
Maruice Lewis	65 Pine Reach
Julie Lewis	65 Pine Reach
Hetty Hertrich	7 Dodds Lane
David Boyce	11 Tidewaters
Elinor Boyce	11 Tidewaters
Carol Smith	8 Pine Reach
Henry DeWitt	55 Fields End
Marcia DeWitt	55 Fields End
Ryan Mavity	Cape Gazette

ABSENT:

David Lyons	Commissioner
Thomas A. Roth	Town Manager

1. Call to Order, Pledge of Allegiance

10:11 am. Mayor Hill opened the regular Quarterly Meeting of the Board of Commissioners.

2. Approval of Minutes

a. Public Hearing – October 12, 2012

Mr. Jamison made a **motion** to approve the minutes. Mrs. Richards seconded the motion. Motion passed.

b. Quarterly Meeting – October 12, 2012

Mr. Jamison made a **motion** to approve the minutes. Ms. Kee seconded the motion. Motion passed.

c. Special Meeting – December 14, 2012

Mr. Staffier made a **motion** to approve the minutes. Ms. Kee seconded the motion. Motion passed.

3. Treasurer's report

Mayor Hill, in the absence of the Treasurer, reviewed preliminary financial information as of December 31, 2012. He pointed out that the operating budget was more or less on target. The budget projects a \$2,600 surplus but preliminary data shows a \$1,400 deficit. We need to watch the operating budget closely.

4. Maintenance report

Commissioners read the written report and had no comments or questions.

5. Security report

Commissioners read the written report and had no comments or questions.

6. Town Manager's report

Commissioners read the written report and had no comments or questions.

7. UNFINISHED BUSINESS

a. Amendment to §130-4.B Definitions, "Front Yard"

Mayor Hill stated there were no comments during the Public Hearing on the Resolution to amend Chapter 130, Section 130-4 of the Code. Mr. Jamison made a **motion** to approve the ordinance to amend 130-4, relating to the definition of front yard by changing the wording "obstructed" to unobstructed". The motion was seconded by Mr. Staffier and passed unanimously.

Mayor Hill stated that Section 130-4 of the Zoning Code definition for "Front Yard" will change "obstructed" to "unobstructed". He said that it is to correct a clear misstatement. The amendment is to make the language consistent with the clear intent of the proposal. Mr. Brittingham voted yes for the reasons stated by Mayor Hill. Commissioner Jamison voted yes for the reasons stated by Mayor Hill. Commissioner Richards voted yes for the reasons stated by Mayor Hill. Commissioner Staffier voted yes for the reasons stated by Mayor Hill. Commission Kee voted yes for the reasons stated by Mayor Hill. Motion passed.

b. Ordinances to amend criminal offenses to civil

Mayor Hill said this Ordinance establishes a new Chapter 55. This would establish procedures for civil offenses.

Discussion ensued. Mr. Staffier suggested a change to §55-4 D. He proposed to change "civil assessment of \$50 or such amount if greater" to read "civil assessment of \$50, or double such other amount if greater". All agreed. Mr. Jamison made a **motion** to approve the new Chapter 55 amended with changes to §55-4 D. The motion was seconded and passed.

The next item considered was a Resolution proposing that a public hearing be held on amending chapter 130-71, Zoning penalties. Mr. Mandalas read the proposed Resolution. Discussion ensued. Mr. Jamison questioned the language "of not less than \$50, nor more than \$200". It was decided by consensus to keep it at \$200.

Mr. Staffier made a **motion** to approve the Resolution and seconded by Mrs. Richards, proposing that a public hearing be held April 12th at 10:00 a.m., on the proposed Ordinance. Motion passed unanimously.

c. Charter amendments

iii. §C-17 Auditors

Mr. Jamison reviewed proposed changes to the Audit Committee section. Discussion followed. Mayor Hill asked that further discussion on this be tabled. Mr. Staffier asked if this change could be implemented without a Charter amendment. Mrs. Richards noted that we need to appoint two new members to the Audit Committee. Mayor Hill said that he would appreciate the names of anyone the commissioners know who may be interested in serving on the Audit Committee.

i. §C-15 Town Manager; ii. §C-16 Treasurer

Mayor Hill reviewed the proposed changes for the Town Manager and Treasurer. The changes make it clear that the Treasurer can only be an elected resident Commissioner. (Currently the Charter does not state the Treasurer should be a resident commissioner, implying that the treasurer could be a third party, a bank, a lawyer or an accounting firm.)

Mrs. Richards made a **motion** to approve the changes for the Town Manager and Treasurer and authorize the Town Solicitor to put in proper form for submission to the Legislature. Ms. Kee seconded and the motion passed unanimously.

iv. §C-5.D Qualifications of Voters

Mayor Hill highlighted the status of the Charter change dealing with voter eligibility sent to the legislature last year. The changes suggested at the December 14, 2012 workshop were discussed. The proposal must be resubmitted to the legislature.

There were comments from the public urging further public input and the need for dissemination of information clearly stating that the proposal as originally approved would eliminate entity voting. Discussion ensued among the Commissioners.

Mr. Staffier made a **motion** to table this matter and to hold a Public Hearing on the matter before the Quarterly Meeting, July 12, 2013 after all entities are sufficiently informed. Mr. Jamison seconded the motion. The motion passed with Mrs. Richards and Mayor Hill opposed.

d. Process for evaluating Rehoboth Art League status, possible changes - questionnaire

Mr. Staffier reviewed the RAL Questionnaire's scope and purpose. It is the present intent to share the RAL responses with all residents and the Planning Commission. The Commissioners had no further comments and thanked Mr. Staffier on a thorough job. Mr. Staffier asked that the RAL also be requested to provide information on the RAL's claim that the Town was established as an art colony. Mayor Hill agreed that such an item should be added and then he would transmit the Questionnaire to the RAL.

Mr. Jamison made a **motion** to send the questionnaire with the addition of the question just posed to the Rehoboth Art League. Ms. Kee seconded the motion. The motion passed unanimously.

8. NEW BUSINESS

a. Audited Financial Statement

Mr. Hill announced that the Town had received the audited financial statement for the fiscal year ended June 30, 2012, approved by the Audit Committee. Mr. Jamison made a **motion** to approve the 2012 Audited Financial Statements. Ms. Kee seconded and the motion passed unanimously.

b. Appointment to Board of Adjustment

Mayor Hill noted that Wilkes Coleman had resigned from the Board of Adjustment. The Mayor thanked Mr. Coleman for his service. Mayor Hill said that he would appreciate the name of anyone the commissioners know who may be interested in serving on the Board of Adjustment.

c. Event approval & parking

Mayor Hill noted that the Town has been working to make parking rules and regulations more formal. Mr. Jamison said they should be kept simple, not so formal. Mrs. Richards advised a Parking Committee already exists to deal with such matters. It was decided that this will be discussed further at the next meeting.

d. Commercial vehicle parking

Mayor Hill reported that a commercial truck has been parked in the driveway of an unoccupied house here in the Acres for several months. A discussion ensued concerning the proper process for removing the vehicle. Mrs. Richard asked if the town has made contact with the owner of the truck. She suggested that the town contact the owner of the vehicle and order that it be removed.

9. Any other business that may come before the Commissioners

None.

10. Town Solicitor's report

No comments.

11. Executive Session for the purpose of discussing potential litigation, in accordance with 29 Del. C. § 10004(b)(4).

Mrs. Richards made a **motion** to go into Executive Session to discuss potential litigation. The motion was seconded the motion and passed. The Board went into executive session at 12:34 pm.

Mrs. Richards made a **motion** to come out of executive session, which was seconded by Mr. Brittingham. The Board came out of executive session at 1:41pm.

12. Consideration and/or action on matters discussed in Executive Session

No action taken

13. Adjournment

Having no other business, the meeting was adjourned by Mayor Hill at 1:42 pm.

Approved: April 12, 2013