

MINUTES: The Quarterly Meeting of the Board of Commissioners of the Town of Henlopen Acres held on Friday, October 11, 2013 in Town Hall, 104 Tidewaters in Henlopen Acres, Delaware.

PRESENT:

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| David L. Hill | Mayor |
| Andrew Brittingham | Commissioner |
| David Lyons | Commissioner |
| John Staffier | Commissioner |
| Beatrix Richards | Commissioner |
| Winifred W. Kee | Commissioner |
| Thomas A. Roth | Town Manager |
| Sharon Karl | Town Clerk |
| Glenn Mandalas | Town Solicitor |
| John Scheurer | 62 Tidewaters |
| Barbara Shortley | 59 Pine Reach |
| Diana Beebe | Rehoboth Art League |
| Christine Moore | 14 Tidewaters |
| Bob Stevens | 66 Fields End |
| Shaw Wilgis | 32 Tidewaters |
| Betsy Wilgis | 32 Tidewaters |
| Ryan Mavity | Cape Gazette |

ABSENT: Frank Jamison Commissioner

1. Call to Order, Pledge of Allegiance

Mayor Hill called the Quarterly Meeting of the Board of Commissioners to order at 10:00 am followed by the Pledge of Allegiance.

2. Approval of Minutes

a. Public Hearing – July 12, 2013

Commissioner Staffier made a **motion** to approve the minutes as corrected. Commissioner Lyons seconded the motion. Motion passed.

b. Quarterly Meeting – July 12, 2013

Commissioner Richards made a **motion** to approve the minutes as corrected. Commission Kee seconded the motion. Motion passed.

c. Special Meeting – September 9, 2013

Commissioner Staffier made a **motion** to approve the minutes as corrected. Commission Lyons seconded the motion. Motion passed.

3. Treasurer's report

Mr. Lyons said that there are four unpaid real estate taxes. Friday October 18th the Auditors are meeting with the Audit Committee to finalize the audit process. Mrs. Richards asked if someone could explain (\$13,877) under Machinery and Equipment in fixed assets. Mr. Roth said that two assets were scrapped.

4. Maintenance report

Mr. Roth said the water report is included in the packet. Mr. McClure and Mr. Ribinsky both attended a class on locating underground utilities. Some missing street signs are being replaced. Mayor Hill said that

several residents pointed out how tired the Dodds Lane entry way appeared. Our staff cleaned the stone, did some landscaping and planted mums. Next Spring more colorful flowers can be planted.

Mr. Staffier asked for an update on the Marina. Mr. Roth said that the spoils have been removed. The contractor is letting the ground dry out before regrading. Once regraded, the town will add top soil and hydroseed.

Mrs. Moore, 14 Tidewaters wished to recognize Roger Kramer for the work he did on his own, maintaining the Zwaanendael entrance.

Mrs. Richards asked what was planned for the bump in the road at the Zwaanendael entrance. Mr. Roth said that it is part of the Phase V repaving. However, it's not in the budget for this year.

5. Security report

The report was discussed.

6. Town Manager's report

Mr. Roth said there are four properties with unpaid real estate taxes. As for transfer taxes, two more properties have gone to settlement. Currently there are none under contract. Mr. Roth said that he was notified by the County that between February and April 2014 they will be rewiring all the sewer lift stations and will need to do some street rerouting for a day or two. There are three lift stations, all on Tidewaters.

7. UNFINISHED BUSINESS

a. Charter amendment, Chapter C-5, Qualifications of voters

Mayor Hill reported that we have debated and re-debated this proposal. It has been sent to the State Legislature, where it was tabled. He advised that Mr. Staffier came forth with an idea based upon the comments from the public at several of our meetings. In rough form the basic idea is that: 1. A resident of the Town and the State of Delaware who is 18 years old can vote. 2. A property owner with at least a 50% interest in the property can vote. 3. Entities would continue to vote subject to annual authorization requirement designating the voter and meet the other requirements in the voting ordinance. Mayor Hill felt our concerns about entity voting are still valid. We have to continue to evaluate the situation. If in the future there were genuine abuses that are diluting the votes of others, we would revisit the entity issue. Mr. Staffier said that the goal here is to continue the one man one vote principle. You can't vote both as an individual and as an entity. Mayor Hill emphasized that if I owned a vacant lot and also was a resident, I would not get two votes. Entities in Henlopen Acres are for the most part estate tax planning devices by individuals. The considerations that lead people to think entity voting should be banned in places like Lewes, Rehoboth and Dewey don't apply here. To ban entity voting altogether is not justified but there has to be limits to prevent abuses and hopefully this achieves that goal.

Mr. Staffier made a **motion** to direct the Town Solicitor to put these changes in their proper form with editorial privilege to make it consistent with the existing Charter language along with the other Charter changes that have already been approved so that it can be voted on in January and if approved, submitted to the State Legislature. Mrs. Richards seconded the motion. The motion passed unanimously.

b. Process for evaluating Rehoboth Art League status, possible changes

Mayor Hill stated that over the last six months he has had several positive meetings with Diane Beebe of the Art League (RAL) in an effort to outline the Town's concerns. The conversations have been good although general. The Town's tentative position is that rezoning is not on the table. There has not been a case brought forward that would justify the effort and cost that would go into that process. That still leaves

the major issues of permitted uses and parking to deal with. These issues will be evaluated within the context of the Covenants and the existing Zoning Code if there is a need.

The immediate process is: 1) To develop the parameters for the non-conforming uses for the RAL property and 2) Develop a parking site plan for the RAL property and a policy to deal with over flow parking (parking outside of RAL property), specify what the Town sees as the parking parameters and what we do with overflow parking. The RAL is a special place but it needs to be recognized that a large part of what makes it special is Henlopen Acres itself.

Mayor Hill added that the Planning Commission will be briefed as this process unfolds and their input will be sought.

8. NEW BUSINESS

a. Audit Status – Capitalization Policy

Mr. Roth said that we will be meeting with the Audit Committee and CPA firm to finalize the audit. One of the suggestions from the CPA firm is for the Town to adopt a capitalization policy.

b. Amendment to §43 Building Construction (Lighting)

Mayor Hill stated this was referred from the Planning Commission as a way to address how lighting impacts neighbors. Mr. Mandalas read the draft. He suggested an alternative, “Additional outside lighting shall be oriented, shielded or both so that illumination of adjacent properties is minimized.” Ideally neighbors will talk to each other first to resolve any issue. The Zoning Officer would address issues triggered by a complaint.

Mr. Mandalas and Mr. Roth will review the chapter to determine what, if any sanctions should be made civil.

Mr. Staffier made a **motion** to direct the Town Solicitor to put this lighting provision in reasonable form and give us recommendation in §43-8 civil and criminal penalty for the January meeting. Mr. Lyons seconded the motion. Motion passed unanimously.

c. Amendment to §116 Vehicles & Traffic (Parking in Public Places)

Mayor Hill said we have some specific parking limitations but we did not have a general provision for citing vehicles illegally parked in public places. Mr. Mandalas suggested the following, “No person shall park or cause to be parked any motor vehicle on any public place without first obtaining permission of the town manager or first obtaining a proper permit where a permit to park is required.” He felt the intent was the same but a little bit clearer. It was also proposed that the violation be civil instead of criminal.

Mrs. Richard made a **motion** to approve the amendment as edited by the Solicitor and convert to a civil offense. Ms. Kee seconded the motion, which passed unanimously.

9. Any other business that may come before the Commissioners

No other business.

10. Town Solicitor’s report

No comments.

11. Executive Session for the purpose of discussing personnel matters, in accordance with 29 Del. C. § 10004(b) (9).

Mr. Staffier made a motion at 11:17 am to review executive session minutes. Mr. Lyons seconded the motion. Motion passed.

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

Mr. Lyons made a motion to come out of executive session at 11:28 am. Mr. Staffier seconded the motion. Motion passed unanimously.

Mrs. Richards made a **motion** to approve the executive meeting minutes of 10/12/12, 1/11/13, 4/12/13, 6/14/13 and 7/12/13. Miss Kee seconded the motion. Motion passed unanimously.

13. Adjournment

Having no other business, the meeting was adjourned by Mayor Hill at 11:28 am.

Approved: January 17, 2013