

**TOWN OF DEWEY BEACH
MINUTES OF THE DECEMBER 12, 2009
TOWN COUNCIL MEETING**

DRAFT

1. **Opening** – 10:45 a.m.
2. **Pledge to the Flag** – Mayor Solloway led the Pledge.
3. **Moment of Silence** – For deceased resident Michael Duffin.
4. **Roll Call** - All Town Commissioners were present.
5. **Minutes of the November 14, 2009 Town Council Meeting** - The minutes were read and Commissioner Przygocki made a motion to accept them, Commissioner Hanson seconded, the motion carried 5-0.
6. **Police Report** – Chief Mackert gave the Police Report.
7. **Presentation and Announcements** – Mayor Solloway mentioned the Town of Dewey Beach Christmas Holiday Party would be held today at 6:00 p.m., at Scraps and all are invited to attend.
8. **Old Business** –
 - a. **Discuss and Possibly Vote - On Resolution to provide guidelines for committees, working groups and task groups and their membership. On a Resolution terminating or restructuring Town committees and providing goals and objectives of these committees. (M. Appelbaum)**
This draft Resolution was discussed and the Commissioners will appoint the new committee chairpersons at the organizational meeting in September; the chairpersons will select the members, present the goals and objectives and commissioners vote approval. Task groups as not set-up to be FOIA with sunshine laws, they provide information but do not make decisions. Commissioner Hanson made a motion to adopt this resolution with amendment that town employees be ex-officio members on standing committees, that appointment of committee chairperson is made during the September/October town meeting and strike the word Town Attorney from part 4. b. (4), this was seconded by Commissioner Seitz motion carried 5-0.

Public input:

Courtney Riordan – Why not Quality of Life instead of Marketing (Committee).

David King – How about A Way of Life (instead of Marketing).

Bob Barry – The Chamber of Commerce and the business community should continue to be involved in Marketing.

Dick Cleveland – Do we have appointment of Chairs to these new committees; I know Rick Judge has applied.

Mark Allen – I know Rick Judge was really smart on the (Roads Committee) issues.

Pat Wright – I know he built (some) those mega mansions on the ocean and is a developer in Bethany.

Maggie Messinger - His interest as a developer is more than just roads, because of his ownership interest in the north side of town.

Jim Dedes – Infrastructure is the town responsibility shouldn't the Town Manager appoint.

Marc Allen – Someone who is responsible for design and engineering.

Anna Legates – This man put in an entire development with expertise that management people don't have.

Dale Cooke – Person should be knowledgeable, you don't want this process to stop, perhaps as co-chair (Rick Judge & Peter Lucas).

David King – In terms of conflict of interest, back when the comprehensive plan was developed we decided not to focus on something that will happen (north end) in the next 15-20 years, this is a one-year appointment.

Mary Nelson – If the Charter/Code Committee is to research and do administrative changes, I can do that. (A number of people were suggested but they did not wish to be on this committee.)

Following this discussion proposed chairpersons were selected for the proposed committees. A motion was made by Commissioner Przygocki to appoint each of the committees/chairpersons and Commissioner Appelbaum seconded. The vote was 2 agree and 3 oppose. Motion failed.

Commissioner Appelbaum made a motion to nominate Rick Judge as Chair of the Infrastructure Committee; (drop Peter Lucas as co-chair) and Commissioner Hanson seconded motion. Commissioner Hanson nominated herself as co-chair of the Marketing Committee and Commissioner Seitz seconded. The new list of standing committees/chairpersons will then appear so follows:

Audit Committee – Chair, Don Ziegler

Budget & Finance Committee – Chair, Commissioner Appelbaum

ES&I Information Technology Committee – Chair, Mayor Solloway

~~Display, Events, Noise, Public Intoxification~~ Marketing Committee Co-chair(s) Commissioner Hanson and Mayor Solloway

Roads Infrastructure Committee – Chair, Rick Judge

Policy Committee – Chair, Commissioner Seitz
Charter/Code Committee – Co-chair(s) Mary Nelson and Town Manager
~~Voter Registration~~ Election Committee – Co-chair(s) Beverly Corelle and
David Kaminsky

A motion was made by Commissioner Appelbaum to accept these committees and their chairpersons and Commissioner Hanson seconded this motion carried 4-1.

- b. **Discuss and Vote – On final Ordinance for the protection of trees in Town.** Following discussion on this subject it was determined the current ordinance is good through December 2010. **(Tabled)**
- c. **Discuss and Vote – To establish an amendment to Chapter 177 of the Dewey Beach Municipal Code by deleting the title and contents and inserting, in lieu thereof, an original Chapter 21 – Vehicles and Traffic.** Discussion only. **(Tabled)**
- d. **Discuss and Vote – On an Ordinance to amend Ordinance 636, Chapter 80, of the Dewey Municipal Code to include specific offenses.** Discussion only. **(Tabled)**
- e. **Discuss – An Ordinance to allow owners of residential property held in Limited Liability Corporations (LLC) voting rights in the Town of Dewey Beach. (M. Seitz)** After some discussion on this subject it was determined the new Election Committee should review this proposed Ordinance.
- f. **Discuss and Possibly Vote – On all matters relating to the current and future Town Manager, their employment with the Town, activities of the Town Manager Search Committee and a Transitional Liaison. (Amended 12/04/09 at 1:00 p.m.)** Following discussion on these subjects a motion was made by Commissioner Seitz that Mayor Solloway contact candidate #68 as recommended by the search committee for the purpose of engaging a commitment of contract with terms to be employed as new Town Manager, seconded by Commissioner Hanson motion carried 5-0. A motion was made by Commissioner Hanson to appoint Ken Lodge as Transitional Liaison to serve until the new Town Manager appointed. This was seconded by Commissioner Seitz and so carried 5-0.

9. **New Business -**

- a. **Public Hearing – Discuss and Vote – On an Ordinance to prohibit objects in the right-of-way of all streets and avenues in all districts of the Town of Dewey Beach with discussion of possible right-of-way paving.** There was much discussion on this sensitive issue. The intent is to clear the public right-of-way and to provide parking for visitors to our

beach/restaurants during the busy 10/14-week period. This involves potential 1,700 parking spaces, which in turn provides revenue to the town preventing property taxes. Define and identify the problem areas. After notification to resident/property owner by Town, address one subject at a time i.e. mail boxes, then shrubs, fences, etc. Hold workshops during spring for public input. **(Tabled)**

- b. **Discuss and Vote – On application submitted by Highway One Limited Partnership to obtain an extension of a Building Permit pursuant to Section 71-3(G), which permits the Commissioners, in extraordinary circumstances, to allow an additional renewal.** The original permit was purchased on December 11, 2006 providing extensions up to 5-years (2011). Discussion determined differences between Section 71-3(G) and 185.85 and this subject would be further discussed at 4:00 p.m. Wednesday, December 14, 2009.
- c. **Discuss and Vote – To assign and send to Planning and Zoning the task of developing a 911 Emergency Addressing Map to be returned to the Commissioners by the February 2010 Town Meeting.** Instead of having the whole town renumbered using a 5-digit addressing system it was determined the Town would provide a sequential numbering system. By dividing the town into 3 parts, north, middle and south to identify homes where numbers are skipped. Commissioner Przygocki made a motion this issue be referred to the Planning and Zoning Committee, seconded by Commissioner Hanson so carried 5-0.
- d. **Discuss and Possibly Vote – On the reallocation of the Town investments.** This subject was discussed at the last Budget and Finance Meeting and is addressed in their minutes.
- e. **Discuss and Vote – To assign and send to Planning and Zoning the task of developing a Draft Ordinance to prohibit non-profit gambling within the limits of Dewey Beach.** Commissioner Hanson said she is not against non-profit charitable gambling. This issue is regulated in the Planning and Zoning code and the Town Manager has to issue a permit thereby providing further control. No vote already covered.
- f. **Discuss and Possibly Vote – On the process of contracting for detained design services for the Bayard Avenue Drainage Project.** Pat Wright gave a historical background brief on the process of this project by the Roads Committee. After much discussion a motion was made by Commissioner Hanson to forward this issue to the Infrastructure Committee and seconded by Commissioner Appelbaum. Vote Affirmative 5-0.

- g. **Discuss and Vote – To appoint two members to the Board of Adjustment.** A motion to reappoint Phillip Davenport and Rick Dryer to the Board of Adjustment was made by Commissioner Hanson and seconded by Commissioner Appelbaum. Vote affirmative 5-0.

10. Reports

- a. **Planning & Zoning** – Meeting scheduled 6:00 p.m. December 18, 2009.
- b. **Roads Committee** – Subject covered in these minutes.
- c. **Budget & Finance** – Revenues have exceeded Expenses. New budget starting for next year. (FY April 2010)
- d. **Building Official** – Report submitted.
- e. **Town Manager (Transitional Liaison)** – No report.
- f. **Town Attorney** - No report.

11. Commissioners' Comments

M. Appelbaum – Expressed need to control agenda timeline and keep meeting to 2-1/2 hours.

D. Hanson – Mentioned Christmas Party tonight.

J. Przygocki – Complimented Building Inspector's diligence in capturing building permits, approximately \$13,800 this month. Merry Christmas and Happy Chanukah.

M. Seitz – No comment.

Mayor's Comments – Wish everyone Happy Holiday Season.

12. Public Forum – Each person allowed three (3) minutes. Total time (30).

Dick Cleveland – Requested information on new committees and their members so that he may put on the web site. Mayor Solloway mentioned the Committee Chair would be responsible for the selection of members, goals and objectives and see that information forwarded.

Anna Legates – Requested the Town Liaison look at the FOIA and sunset regulations for committees.

Barry Howell – Concerned about the proposed Ordinance on Right-of-Way seizures and paving. Will forward written concerns on this subject to Town Hall.

13. This meeting has been recessed until Wednesday, December 14, 2009 at 4:00 p.m.