

## **Town Of Dewey Beach**

Minutes of April 27, 2012

Town Council Meeting

**A regular meeting of the Dewey Beach Town Council was held at 6:00 p.m. on Friday, April 27, 2012, at the Dewey Beach Lifesaving Station.**

Mayor Hanson called the meeting to order and led the Pledge of Allegiance.

Mayor Hanson asked for a Moment of Silence.

**Present: Mayor Diane Hanson, Commissioners Jim Laird, Anna Legates, and Joy Howell, Attorney Noel Primos, and Town Manager Robert Stickels**

### **APPROVAL OF MINUTES**

**No minutes to approve.**

### **ADOPTION OF THE AGENDA**

### **ANNOUNCEMENTS**

**No announcements.**

### **REGULAR AGENDA**

- 1. Discuss and possibly vote on potential modifications to the following sections of the town charter:  
2(d); 5(a); 5(b); 5(c); 10(b); 15(c); 16(a); 16(j); 17(b); 22(b); 22(c) (3); 23(a)-13(a) - (o); 23(a) – 16;**

Mayor Hanson stated that the only item on the agenda is to look at the Charter. She stated that there have been many areas of concern over the years such as errors and sections that were repeated unnecessarily. She stated that there would be no vote taken at this meeting.

Noel Primos, Attorney, stated that some concerns were raised about FOIA compliance and it is the opinion of the town's legal council that this meeting is fully compliant with FOIA. He stated that the meeting was properly noticed seven days in advance.

Commissioner Laird stated that when this discussion started on Charter changes Council said they were going to do some housekeeping and received a page last week listing

different items. He stated that when he looked at the items that were on the page and looks at some of the changes that are on the sheet now, this is more significant than housekeeping. He stated that originally the only items that were being looked at were 15C, 16A, 16J, clean up the language for the Town Manager and also address the concerns with the Alderman. He stated that now ordinances and resolutions are being talked about. He stated he doesn't know that with the changes that are being proposed that enough notice had been given to the citizens. He stated that some of the items could have significant consequence. He stated that he would have liked to have had more discussion among Council before this workshop prior to having this language put in front of them. He stated that he has major concerns with the maturity of some things that are being looked at for the first time. He asked how they got to this point.

Commissioner Howell stated that most of the Charter changes that are under discussion are administrative and pretty much housekeeping.

There was a lengthy discussion on the topic.

Noel Primos, Attorney, stated that there are some changes that might be considered housekeeping to some, but may be more sensitive to others. He stated that the barometer in gauging if it is more than a housekeeping issue is how controversial it is, how much discussion it generated and are people very concerned about the change or is everyone in agreement with it.

Mayor Hanson outlined the proposed changes to the Charter:

- **2(d)** - adding “in a newspaper *having a general circulation both in the town of Dewey Beach and in the territory proposed to be annexed* at least one week prior to the date set for the public hearing *as well as the Town Hall, the Life Saving Station, and on the Town’s website. In addition, a reasonable effort will be made to send a personal letter to all voters and property owners of record of the Town and all property owners of record in the territory proposed to be annexed at least fifteen (15) days prior to the date set for the public hearing.*” and deleting the remainder of the paragraph.

Noel Primos stated that the wording should maybe state that the town will make a reasonable effort to notify all voters and/or property owners at the discretion of Town Council.

- **5(a)** – removal of “*a non delinquent taxable of the County, and shall be non delinquent as to all taxes levied or assessments made by the Town.*”
- **5(b)** – removal of “*resident trustees of the property which is owned in trust*” and

add “both a settler/creator(s) and trustee(s) of a valid trust to which real property which is located within the Town has been conveyed which conveyance is recorded in the Office of the Record of Deeds in and for Sussex County.” Also added as the last sentence “Any person applying as a leaseholder candidate pursuant to this subsection will be required to include a copy of the lease with his or her candidate filing.”

- **5(c)** – “Other” Commissioners to stay the same and add “or be trustees of the property which is owned in trust”
- **10(b)** – add to the third line, holds a lease for “a term of” five years or more on property within the Town and add on the fourth line add “A leaseholder seeking qualification as a voter under this subsection will be required to file a copy of the lease at the time of voter registration.” Also delete from line nine “trustees of property which is owned in trust.”
- **15(c)** – removal in the first sentence “shall hold office for an indefinite term and”
- **16(a)** - removal from line five “shall be hired for an indefinite term and”
- **16(j)** – **This section was tabled until other town Charters could be researched.**
- **17(b)** – **This section was tabled until May 12.**
- **18** – **This section was tabled.**
- **22(b)** – change in the first line “November” to “February” and “December 10<sup>th</sup>” to “the second Saturday of March”
- **22(c)3** – This item was tabled until recommendations were received from David King, Budget and Finance Chair and Bill Brown, Director of Finance.
- **23 (13)a** - **This item tabled to be discussed at a later date.**
- **23 (13)b-o** – adding “resolution” throughout and deleting redundant paragraphs
- **23 (a)16** – **This item was tabled until recommendations from Bill Mears, Code Enforcement and David King, Budget and Finance Chair.**

Mayor Hanson stated that most of the changes were administrative other than the right to petition which came from some of the property owners and the one on the accommodations tax came from the Budget and Finance Committee.

Commissioner Legates stated that she sees a lot of problems with the code. She stated that the town is not compliant with the state code on the Board of Adjustment. She stated that she is wondering if the town needs a Code committee because there are a few policy issues that need to be worked out.

Commissioner Howell thanked Mayor Hanson for her hard work on the Charter changes.

**Commissioner Laird made the motion to adjourn the meeting. Commissioner**

**Howell seconded.**

**The motion carried unanimously.**

**MEETING ADJOURNED-----**

\*These minutes are supplemented by an audio-video record of the meeting which will be maintained by Town Hall for reference and can be viewed/heard on the town website. The audio-video records will be purged from time to time.

Respectfully Submitted,

Bob Stickels  
Town Manager

Approved July 27, 2012