MINUTES
Dewey Beach
Executive Session and Dewey Beach Town Commissioners Meeting
at the Dewey Beach Life Saving Station
#1 Dagsworthy Avenue
Dewey Beach, DE 19971
Saturday, April 9, 2016

Town Commissioners Meeting to convene at 8:30A.M., immediately going into Executive Session upon convening.

Executive Session to end at 8:50A.M. Doors re-opening to the public at 8:50A.M.
Town Commissioners Meeting to re-convene at 9:00A.M.

Convene Town Commissioners Meeting 8:30 A.M.

Executive Session
Convene Executive Session

Litigation

In accordance to 29 Del. C. §10004 (b) (4) the Town Commissioner’s will be meeting in executive session to hold strategy sessions involving legal advice with respect to potential litigation where an open meeting would have an adverse effect on the Town's litigation position.

Roll Call: Present: Commissioner Cooke, Commissioner Dunmyer, Commissioner Mauler, Mayor Hanson, Town Manager Marc Appelbaum, Town Solicitor Fred Townsend. Absent: Commissioner Riordan

Close Executive Session    Audio Recording Mark (ARM): 1:51- Motion to close Executive Session by Commissioner Cooke. Seconded by Commissioner Dunmyer. The vote carried 4-0.

Re-convene Town Commissioners Meeting ARM: 2:11

Adoption of Agenda ARM: 2:13 Motion to adopt Town Commissioners Meeting agenda by Commissioner Dunmyer. Seconded by Commissioner Mauler. The vote carried 4-0.

Approval of March 11, 2016 Executive Session Minutes ARM: 2:37- Motion by Commissioner Dunmyer to approve the March 11, 2016 Executive Session Minutes. Seconded by Commissioner Cooke. The vote carried 4-0.

Approval of March 12, 2016 Town Commissioner Meeting Minutes ARM: 2:44- Discussion began. Commissioner Dunmyer stated that the vote on agenda item number 8 should be changed to read : 4-0-1. Motion by Commissioner Dunmyer to approve the March 12, 2016 Town Commissioner Meeting Minutes as edited. Seconded by Commissioner Cooke. The vote carried 4-0.

Approval of March 17, 2016 Town Commissioner Meeting Minutes ARM: 4:06- Discussion began. Commissioner Cooke asked for a more definitive explanation of agenda item number 2.
regarding the change to the Investment Policy. Commissioner Dunmyer stated that it was voted on to specifically add a cash allocation to the long term beach replenishment fund, and enabled a decision process in a crisis. Mayor Hanson asked that the Audio Recording Mark is added to all minutes. Motion by Commissioner Cooke to approve the March 17, 2016 Town Commissioner Meeting Minutes with the stated changes. Seconded by Commissioner Dunmyer. The vote carried 3-1 with Commissioner Mauler abstaining due to not being present at the March 17, 2016 Town Commissioner Meeting.

**Approval of March 25, 2016 Executive Session Minutes** ARM: 9:26- Motion by Commissioner Dunmyer to approve the March 25, 2016 Executive Session Minutes. Seconded by Commissioner Cooke. The vote carried 3-1 with Commissioner Mauler abstaining due to not being present at the March 25, 2016 Executive Session.

**Announcements and Updates:**
- Presentation of check from Carol Everhardt of the Rehoboth-Dewey Chamber of Commerce for proceeds from Movies on the Beach ARM: 11:46- Announcement by Mayor Hanson
- Recognize Don Gritti for work on Planning and Zoning ARM: 17:23- Announcement by Mayor Hanson
- Open House / Appreciation of Joyce Pool at Town Hall on May 26th ARM: 17:40- Update by Town Manager Marc Appelbaum
- Coastal Delaware Running Festival on April 24th ARM: 18:45- Update by Town Manager Marc Appelbaum
- Dewey Beach Enterprise construction update ARM: 19:58- Update by Town Manager Marc Appelbaum
- Grant application for bayside flooding ARM: 20:33- Update by Mayor Hanson

**Agenda:**
1. Discuss and possibly vote to refer a Conditional Use application to Planning and Zoning as submitted by Clinton Bunting for expansion and amendment to current Conditional Use hours of operation of an existing restaurant business, Dewey Beer and Food Co, LLC, located at 2100 Coastal Highway, Dewey Beach, DE, 19971. ARM: 24:56- Discussion began. ARM: 28:50- Motion by Commissioner Dunmyer to refer a Conditional Use application to Planning and Zoning as submitted by Clinton Bunting for expansion and amendment to current Conditional Use hours of operation of an existing restaurant business, Dewey Beer and Food Co, LLC, located at 2100 Coastal Highway, Dewey Beach, DE, 19971. Seconded by Commissioner Mauler. The vote carried 4-0

2. Update on status of the recently adopted trash initiative (see Ordinance #727, and Resolution #189) ARM: 31:27- Status update of the recently adopted trash initiative by Mayor Hanson. Debbie Knight spoke to ask for more members to join the Trash Committee.

3. Discuss and possibly vote to revise committee guidelines (Resolution 139) to include a definition of the role of “advisor”, a definition of the role of “Commissioner Liaison”, and a change to allow non-property owners with a genuine affiliation with the town as committee members. ARM: 36:11- Discussion began. ARM: 42:53- Motion by
Commissioner Cooke to approve the changes to the Committee Guidelines as listed. Seconded by Commissioner Dunmyer. The vote carried 4-0.

4. Discuss and possibly vote to appoint Julie Johnson to the Board of Adjustment to fill the vacant position of former member Len Read, with a term ending March 1, 2017. ARM: 43:14- Discussion began. ARM: 44:11- Motion by Commissioner to appoint Julie Johnson to the Board of Adjustment to fill the vacant position of former member Len Read, with a term ending March 1, 2017 by Commissioner Dunmyer. Seconded by Commissioner Mauler. The vote carried 4-0.

5. Discuss and possibly vote to appoint membership to the Infrastructure Committee. ARM: 44:28- Discussion began. ARM: 46:03- Motion by Commissioner Cooke to appoint Phil Winkler and Marty Tarr to the Infrastructure Committee. Seconded by Commissioner Dunmyer. The vote carried 4-0.

6 a. Discuss and possibly vote to appoint membership to the Trash Committee. ARM: 48:52- Discussion began. ARM: 51:51- Motion by Commissioner Dunmyer to appoint Bob Duncan, and Judy Mazur as members with Scott MacDonald as an advisor to the Trash Committee. Seconded by Commissioner Cooke.

Mayor Hanson will be Commissioner Liaison to the Trash Committee. Harry Wilson spoke and asked to be appointed as a member to the Trash Committee. The motion was amended by Commissioner Dunmyer to include Harry Wilson as a member to the Trash Committee. Seconded by Commissioner Cooke.

The vote carried 4-0.

b. Discuss and possibly vote to approve goals for the Trash Committee. No discussion. No vote.

7 a. Discuss and possibly vote to appoint new members to the Marketing Committee.

No discussion. No vote.

b. Discuss and possibly vote to appoint an advisor to the Marketing Committee. ARM: 54:16- Motion by Commissioner Cooke to appoint Carla Carter as an advisor to the Marketing Committee. Seconded by Commissioner Cooke. The vote carried 4-0.

8a. Discuss and possibly vote to amend section 80-2 Authority to stop and issue citation of the Town of Dewey Beach Code. ARM:55:50- Town Manager Marc Appelbaum suggested that agenda item #9 is discussed before agenda item #8 so that Beverly Corelle may speak first to not have to wait until the end. ARM: 1:42:48- Discussion began. ARM:1:32:38- Motion by Commissioner Dunmyer to approve the Ordinance with amendment to Section 2 Authority to stop and issue citation, as discussed. Seconded by Commissioner Cooke. Discussion followed.

ARM: 1:41:49- Commissioner Dunmyer withdrew the motion. Motion by Commissioner Cooke to accept the Ordinance as written with one amendment to change the language of “any person authorized by the Town Manager” to read “any employee authorized by the Town Manager”. Seconded by Commissioner Dunmyer. The vote carried 3-1 with Commissioner Mauler opposing.
b. Discuss and possibly vote to amend parking fines to include late fees for parking fines. ARM: 2:20:06- Motion by Commissioner Cooke to amend the Ordinance by striking the second Where As clause, delete Section 5, and to amend the table in section 6 of the Ordinance by striking everything that appears after the line that reads “7 days after date issued”. Seconded by Commissioner Dunmyer. The vote carried 3-1 with Commissioner Mauler opposing. ARM: 2:26:13- Motion by Commissioner Cooke to approve the amended Ordinance. Seconded by Commissioner Dunmyer. The vote carried 4-0.

9. Discuss and possibly vote to approve an Ordinance to amend Chapter 93 Fees of the Code of the Town of Dewey Beach, DE to change the fee for Board of Adjustment requests concerning commercial properties. ARM: 56:46- Beverly Correlle (Chair of Board of Adjustment) spoke. Discussion followed. Mayor Hanson recommended approval of the Ordinance as written, and to ask the Board of Adjustment to have further discussion and come back to the Town Commissioners with a recommendation if they request any changes to be made. Discussion among Commissioners and Beverly Correlle followed. ARM: 1:15:49- Motion by Commissioner Mauler to table the agenda item. Seconded by Commissioner Cooke. The vote carried 4-0.

10. Town Manager Update from Town Hall ARM: 2:26:35- Town Manager Marc Appelbaum gave the Commissioners a written report.

11. Public Comments ARM:2:27:09- Comment from Marilyn Seitz

12. Commissioner Comments: ARM: 2:34:44
   a. Commissioner Cooke Comments
   b. Commissioner Dunmyer No comments
   c. Commissioner Mauler No comments
   d. Commissioner Riordan Not present
   e. Mayor Hanson Comments

13. Adjourn Town Commissioners Meeting ARM:2:34:04- Motion to adjourn Town Commissioners Meeting by Commissioner Cooke. Seconded by Commissioner Mauler. The vote carried 4-0.