

Minutes (Draft) of the
Dewey Beach Charter and Code Review Committee
The Meeting was held at the Lifesaving Station
#1 Dagsworthy Avenue and on Zoom
Dewey Beach, DE 19971
Thursday October 26th, 2023
4:00 PM

At 4:00 PM, the Chairman of the Charter and Code Review Committee, Dave Lyons, convened the Charter and Code Review Committee meeting. The meeting was held consistent with the State of Delaware allowing official government meetings requirements.

Chairman Lyons led in the Pledge to the Flag.

Present at the meeting were Charter and Code Review Committee Members: Marcia Schieck, Elaine Bole, Dan Malley, Jennifer McDermott (via zoom). Also in attendance were Commissioner Gary Persinger, Bill Zolper, and Daune Hinks.

Chairman Lyons asked for a motion to adopt the agenda. Dan Malley made the motion, Marcia Schieck seconded, and it was unanimously adopted.

Chairman Lyons opened the public discussion.

Mr. Steve Spence representing Highway One Limited Partnership and its affiliates presented concerns related to the building permit process and how it relates to 'repair and maintenance' of a building. Mr. Spence suggested the town review section 71.4 (d) (building code) which defines a threshold for the amount of a repair which is \$1000. He suggested the town might want to increase that amount to \$5000 due to cost of material expenses and contractor labor costs. Mr Spence then presented a document detailing what type of projects that Sussex County requires permits for. The town of Dewey's list of projects is far greater than the county's. Mr. Spence then suggest the town look at 71.3 (a) which details what is a candidate for a permit. He suggested that 'repairs' be removed. Mr. Spence then pointed out what is detailed in the permit form (it is a five page document). The form refers to Section 71.7 which lists what activities should not be performed on weekends, the summer and holidays. The form suggests these are items that should require a permit as opposed to when activities are prohibited.

The example provided was an HVAC system that requires replacement. The application form would require a contractor to get a permit. Sussex County considers this a repair and does not require a permit.

The group agreed to forward the comments to commissioners for their input and action.

Mr. David Moskovitz was recognized and spoke in favor of Mr. Spence's suggestions. He stated the the amount of the contractor fees requiring a permit was \$1500. Any project with materials cost of \$1000 or more requires a permit. He indicated the process to submit a permit and receiving a permit issued can take 7 days. The process is so arduous that contractors will not seek work in Dewey as it takes too long to get a permit. Mr. Moskovitz suggested that the thresholds be doubled and repairs such as HVAC be eliminated as a requirement for a permit. He provided an example that his family went without hot

water for a week due to the delay in obtaining a permit from the town. The committee members agreed to forward Mr. Moskovitz's comments to the town commissioners for their review and action.

Chairman Lyons moved to the next agenda item: requesting approval of the minutes from May 24th of 2022. There were no comments. Elaine Bole made the motion; Dan Malley seconded; the motion was unanimously adopted.

Chairman Lyons then asked Commissioner Persinger to review the revised objectives of the committee. Commissioner Persinger suggested to the committee that rather than get bogged down in making exact language suggestions to the actual code, that we focus on concepts, ideas or actions the town might want to consider to address issues identified by Town Council, Committee Members or town officials. Changes suggested by the committee would then be forwarded back to the town commissioners for their review and potential action or distribution to other standing committees as appropriate.

Committee member Bole embraced that concept of cleaning up language of the code, but any changes such as fees should require town employees input, public input and formal town commissioner input and approval.

The Chairman then reiterated that the committee should focus on concepts rather than specific code alterations.

Committee member Schieck also added that addressing concerns related to clarity, antiquated processes and conflicting areas of the code should be addressed.

Chairman Lyons then reviewed items discussed in 2022 by the charter and code review committee. There were 13 items identified; ten were closed by the committee in 2022 or the town commissioners have subsequently passed an ordinance to address those issues. The three remaining items would be discussed by the committee during subsequent meetings. Two were on the agenda of 10/26/2023.

The committee then moved to the next agenda item:

a. §185-51 and §93-1, Accessory buildings and impervious materials.

The committee asked for Daune Hink's comments on impervious/pervious materials. After discussion among the committee members, we agreed to make the following suggestions to the town commissioners.

- The town should establish a 'standard' or stated direction to comply with the federal storm water management requirements. This should provide guidance on the installation of surfaces such as driveways, patio's, walkways and pools. Any ground level surface should be pervious.
- The committee suggested that the code be revised to better define what should be pervious on a building lot. For example, a roof or a pool cannot be pervious.
- The code should not call out specific materials as pervious or impervious; it is possible to install an impervious item such as a paver in a method that will allow for the (application) installation to meet the pervious federal storm water requirements.
- Consider whether the definition of pervious or impervious materials should be added to the code. However, there is a general piece of text existing in the code that if a term is not specifically defined the town adopts the common usage of the term.

- Exempt pool decking areas from pervious requirements. As a result of rain water, pools are contaminated by stones and debris surrounded by previous applications. Pictures are attached.
- Resealing of existing impervious installations such as driveways should be 'grandfathered' as it is repaired. Should a driveway be razed or enlarged, the change must then conform to pervious requirements.

Chairman Lyons requested a motion to adopt the stated suggestions. Dan Malley motioned to accept the suggestions, Marcia Schieck seconded, and the committee unanimously adopted the suggestions.

The committee then moved to the next agenda item:

B. §185-21, Smoke detectors, carbon monoxide detectors, and propane detectors.

After discussion the committee members agreed to recommend that the town adopt the standards of the Delaware Code Title 16 section 6601C and 6602C, 6603C, and 6604C. This would also include propane installations.

There were no public comments.

Chairman Lyons asked for a motion to accept the recommendation. Marcia Schieck made the motion; Elaine Bole seconded the motion; the committee members unanimously adopted the suggestion.

The next agenda item for discussion was a document Commissioner Persinger created identifying 'Charter Sections for Review, Discussion and Recommendation'.

Chairman Lyons asked Commissioner Persinger to provide an overview of the document and suggestions on how to address the list. A number of Charter items had been identified by Mayor Stevens as candidates for review. As the State Legislature must approve all changes to the town charter, time is of the essence.

Commissioner Persinger suggested that some of the items warrant a suggestion from the town commissioners on how best to address the issue and that he would come back to the committee on those items for discussion and their input which would then be reviewed with the town council.

Commissioner Persinger then provided an overview of items Section 5b, Section 10, section 23 and 26. He suggested these would be first candidates for the committee to review and potentially address in the next meeting. The action item for committee members is to review Section 5b, Section 10, 23 and 26 in advance of the next meeting.

There was public comment on this agenda item.

David Moskovitz expressed concerns regarding relaxing residency requirements of town commissioners. He suggested that three of five would be a better ratio than the current two of five. Reducing the requirement would disenfranchise existing homeowners.

Mr. Moskovitz also expressed that allowing LLC's to vote would also have an disenfranchising impact on current owners. LLC memberships are ill defined and can have many members. Additionally other municipalities such as Rehoboth elected not allow an LLC a vote due to the complexity that would be

created. The concern would be that giving LLC's a vote would also disenfranchise existing homeowners and would allow for an unfair influence for LLC's with multiple members or holdings. He also indicated that this was not identified on the agenda and the committee should not vote on the item during the current meeting.

Chairman Lyons reiterated these items were only discussion topics for today's meeting and for further consideration in the next meeting.

There were no further comments from the public or committee members. The public discussion was then closed.

Chairman Lyons will reach out to committee members to schedule the next meeting with a target of prior to the Thanksgiving holiday.

Chairman Lyons asked for a motion to adjourn. Elaine Bole motioned; Dan Malley seconded; the committee voted unanimously to adopt. Meeting adjourned at 5:30PM.

Respectfully submitted.

Dave Lyons

Chairman

Charter and Code Review Committee

Town of Dewey Beach