

Regular Meeting Minutes
Ellendale Fire Company
LOCATION CHANGE: Zoom Meeting
January 6th, 2021

6:15pm – Reorganization of Council Meeting

At 6:20pm, Kim Hughes called the Reorganization of Council Meeting to order.

In Attendance: Kim Hughes, Virginia Weller, Tamara Skis, Bruce VonGoerres, Craig Eliassen, Aaron Moore

Kim Hughes advised even though there are multiple versions of the Charter that are circulating, Mr. Eliassen advised that the reorganization meeting could proceed. The Charter concern was due to the lack of clarity around when the Council needed to meet to have a reorganization meeting. Currently, on council there are four members: Kim Hughes, Virginia Weller, Tamara Skis, and Tanya D. Mann. Sherita Perry resigned at the end of December, so a vacancy exists. Kim Hughes advised that since Aaron Moore is the only candidate who filed to be elected, the Council can appoint him to the vacancy.

Motion to appoint Aaron Moore to fill the vacancy – Virginia Weller. Second – Tanya Mann. Roll Call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann Kimberly Hughes. Recused – Tamara Skis. Motion carried by majority vote.

Craig Eliassen swore-in Kimberly Hughes as Mayor.

Aaron Moore was able to reconnect. Craig Eliassen swore-in Aaron Moore as Councilman.

Motion at 6:30pm to recess the reorganization meeting until after the public hearing – Tamara Skis. Second – Tanya Mann and Virginia Weller. Voting in favor of the motion: Virginia Weller, Tanya Mann Kimberly Hughes, Tamara Skis. No Vote: Aaron Moore Motion carried by majority vote

6:30pm – PUBLIC HEARING – Community Development Block Grant

At 6:32pm, a public hearing was called to order for the Community Development Block Grant (CDBG).

In Attendance: Kim Hughes, Virginia Weller, Tamara Skis, Bruce VonGoerres, Craig Eliassen, Aaron Moore, Brad Whaley (CDBG), Anthony Gruerio

Brad Whaley spoke on behalf of the CDBG to discuss options for low-moderate income families who are experiencing housing issues. Mr. Whaley advised that they do approximately 240 rehabilitations a year. Mr. Whaley explained the criteria the applicants need to qualify for the grants. Kim Hughes advised that her parents were recipients of this grant. She advised that her parents had their floors replaced, insulated windows installed, and a tin roof installed. Kim Hughes confirmed that two resolutions would need to be approved by the Council. Aaron Moore asked for clarification of what is considered "Ellendale" and what is considered "County" in relation to the how the CDBG lists and prioritizes. Mr. Whaley advised that there are separate lists, and the one for the incorporated town is much smaller than the "county."

Motion at 6:50pm to adjourn the public hearing – Virginia Weller. Second – Tamara Skis. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

6:15pm – Reorganization of Council Meeting (Cont'd)

Motion at 6:52pm to re-enter the reorganization meeting – Tamara Skis. Second – Virginia Weller and Tanya Mann. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

Craig Eliassen advised that for nominations, there does not need to be a second. This allows candidates to nominate themselves if they so choose. Discussion between him and Kim Hughes aligned that they should start at the top of the order and work their way down.

Tanya Mann nominated Kim Hughes for Mayor. Aaron Moore objected because “there is no mayor in the town of Ellendale.” Kim Hughes clarified that the position would be “president of council also known as mayor.” Second – Virginia Weller. Motion to close – Aaron Moore. Second – Tamara Skis

Tamara Skis nominated Virginia Weller for Vice President. Second – Tanya D. Mann and Aaron Moore. Motion to close – Aaron Moore

Tanya D. Mann nominated Tamara Skis as Secretary. Second – Virginia. Motion to close – Aaron Moore.

Tamara Skis nominated Aaron Moore as Treasurer. Aaron Moore declined. Tamara Skis asked if it had to be a member of council. Kim Hughes advised that the Charter allows the Secretary, Treasurer, and Tax Collector to be non-council members. Tamara Skis wanted to discuss electing a non-council member, Anthony Gruerio, Jr. Anthony Gruerio accepted the nomination.

Motion at 6:59pm to adjourn the reorganization meeting – Tamara Skis. Second – Virginia Weller. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, No Vote: Aaron Moore. Motion carried by majority vote.

7:00pm – Regular Meeting

1. Call to Order

At 7:00pm, the regular Town Hall meeting for January 6th, 2021 was called to order by Kim Hughes

2. Moment of Silence/ Pledge of Allegiance

The decision was made to not hold this as this is a Zoom call.

3. Roll Call

Kim Hughes, President – Present; Virginia Weller, Vice President – Present; Tamara Skis, Secretary – Present; Aaron Moore – Present*; Tanya Mann – Present

*Aaron Moore was present for parts of the discussion, but not able to maintain connection for the entire time.

In Attendance: Anthony Gruerio, Craig Eliassen, Bruce VonGoerres, Brandon Zeitler, Kim Koukaras, Rowland Moore, Roxann Moore

4. **Citizen Service Recognition**

No Citizens to recognize this month.

5. **Approval of Agenda**

Kim Hughes advised that 9.5 Sidewalk/drainage issue at 311 Main St was tabled due to lack of response from DeIDOT. No other changes. Motion to approve the agenda – Tamara Skis. Second – Virginia Weller. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, No Vote: Aaron Moore. Motion carried by majority vote

6. **Reading & Approval of December 16, 2020 Minutes**

Minutes were unavailable. Motion to table the reading of December 16th, 2020 minutes until February's meeting – Tamara Skis. Second – Virginia Weller. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, No Vote: Aaron Moore. Motion carried by majority vote.

7. **Treasurer's Report**

Kim Hughes read the Treasurer's report. FOIA request generated administrative hours. Business licenses are starting to come in for 2021. All fees related to traffic stop trials have been stopped until April or May of 2021 because of Covid. Those trials will determine future income related to the traffic stops.

8. **Police Chief's Report**

Chief VonGoerres read the submitted Police Report. Ellendale Police Department received a notice that the policies in place are compliant to the Presidential Order for Safe Police Practices. In relation to the fees that Kim Hughes mentioned in the Treasurer's report, Chief VonGoerres advised of a situation that occurred on January 5th, 2021. Chief VonGoerres arrested a subject in relation to a domestic that occurred over the weekend. The subject elected to take the charges to the Court of Common Pleas, and they set the date for July 2021. Under normal circumstances, the Court would see a case such as this in a matter of weeks. Fees will continue to be delayed. Motion to accept the submitted police report – Virginia Weller. Second – Tanya D. Mann. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis. No Vote: Aaron Moore. Motion carried by majority vote.

9. **Old Business**

9.1 Ingram Village Update (Entrance, Building, Zoning, Street Parking) – Tentative date for third week in January to start Gladys St entrance. A letter of credit is being drafted for the bonding that Beaver Properties needs. There is a disagreement between the Town and the owners of Beaver Properties. The Town is asking them to bond the whole project because the next entrance that will need to be completed is not in the current phase, and the Town does not want to have to revisit the conversation about completing entrances. Kim Hughes completed an inspection on the street lights to review the discrepancies between actual and submitted. Beaver Properties had not given any update on activity related to parking on the street. The Town cannot enforce the deed restrictions, so the responsibility for the signage is on Beaver Properties. The zoning for Ingram Village is under review. The previously adopted mixed residential may not be as effective as an "R2" designation. Beaver Properties is still under a building permit freeze, but this does not affect any residents within the development.

- 9.2 Comprehensive Plan Review Update – The draft is almost complete and it was reduced from 77 pages to 44 pages in this draft. Waiting for DNREC to comment on the drainage and water sections. Once the last comments are completed, the Comprehensive Plan will be available for public review and then submitted to PLUS. PLUS has the opportunity to review and comment as they deem appropriate. Once those comments are incorporated into the draft, it will be submitted to the legislature for approval. Tamara Skis asked if the Comprehensive Plan was past the deadline for submission. Kim Hughes advised that was correct and that an extension has been filed. The formal letter has not been received to say that an extension has been approved. Kim Hughes advised that due to the pandemic the state offices are not running as quickly as they would normally, but that her contact did expect the extension to be granted. Tamara Skis asked what the new deadline with the extension would be. Kim Hughes surmised that the new deadline would be the end of January 2021. Tamara Skis questioned what consequences would occur should the deadline not be met. Kim Hughes advised that she hasn't heard of any Towns incurring any penalties from not meeting the deadline. Craig Eliassen agreed with the statement and added that as long as the Town is working in good faith, there will be no consequences. Kim Hughes advised that there is an understanding that things take longer right now because of COVID.
- 9.3 Committee Updates (Public Works, Sunshine, Land Use, Festival, Tree Lighting, Parade, Youth Council) – Aaron Moore is head of the Land Use committee and is working on annexation. It has been difficult with COVID. The Land Use committee is tasked with prioritizing the annexation efforts to allow the Town to develop service roads in preparation for the DeIDOT changes that are upcoming. Brandon Zeitler asked if Walker Acres was still on the area of interest. Kim Hughes advised yes.

In relation to the Festival, Kim Hughes advised it's an unknown because of COVID. The Town of Harrington has started to plan their Heritage Day, so Kim Hughes will monitor that activity to see how likely they are to hold that event. In a call with the Governor's Office, Kim Hughes asked questions related to restrictions on the public buildings and fire companies. She wanted to know if they would be lifted on January 11th when other restrictions were supposed to end. The Governor did not answer the questions. Tamara Skis suggested that until the Governor gives indications that the restrictions will be lifted, the Town refrain from event planning. Motion to refrain from event planning until the Governor lifts restrictions – Tamara Skis. Second – Virginia Weller. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

9.4 **Tabled** - Charter Change Project

9.5 **Tabled** - Sidewalk/drainage issue at 311 Main St.

9.6 Insight Homes Proposed Building Plans – Representative from In Site Homes has been inquiring about the activity that Beaver Property needs to complete. Kim Hughes gave them the same update as above in 9.1. The representative did advise that the final draft of the townhome layout has been completed and is ready for review by Council. Kim Hughes believed that the representative is going to request a variance to allow for a different setback to allow for a two-car garage, rather than a one-car garage. This will help alleviate

some of the on-street parking concerns in the development. Kim Hughes did advise that no building permits could be issued until the situation with Beaver Properties is resolved.

- 9.7 Railroad Storage of Oil/Gas Cars on Track – Kim Hughes has received complaints about storage of railcars. In the past, when similar complaints were raised, no movement was made. Kim Hughes has made contact and trying to let the railroad to understand the concerns of the Town. Craig Eliassen agreed that it is unlikely that any changes are going to make and that it's not for a municipality to frustrate that.
- 9.8 Annexation – Aaron Moore provided updates for the annexation. He advised that the primary focus will be to the west of Town, heading towards DuPont Blvd. This is due to known changes coming as well as future studies expected in the area (Coastal Corridor Study). A property at corner of Sharon's Rd and Rte 16 has expressed interest as well as Pin Oak St. Aaron Moore is making contact with New Dale Acres, a new property on Old State Rd. Finding a parent company representative has been difficult due to the way the company is structured. There are properties on the north side of Rte 16 have also expressed interest in annexation. Tamara Skis asked if there is a project plan or timeline in place that needs to be created. Aaron Moore advised that the areas discussed are already in the Area of Study that is spelled out in the Comprehensive Plan. Aaron Moore advised the in the coming months he is going to encourage the Town develop agricultural zoning for properties who wish to be incorporated. Aaron Moore advised that anything 5 acres or less does not need a public vote, it is a Council vote. Tamara Skis asked for clarification for which version of the Charter should be followed. Craig Eliassen advised to go to Legislative Council and post the current version.

10. New Business

- 10.1 Delinquent Taxes/Pursuing Liens on Properties – There are some properties that are delinquent that are aging. The last time a lien was put on a property was 207 Washington. The price to file at that time was \$58. Craig Eliassen advised that the Council has the option to update at the time of sale. This would diminish the need to consistently update the lien every time the amount changes. Craig Eliassen advised that Council should consider a Charter Amendment which states that the Town of Ellendale incorporates the motion method available through Sussex County and state the Delaware Code. Craig Eliassen advised that delinquent taxes of over 2 years should be considered for forced sale. Virginia Weller voiced concern on whether the return is there if more than one entity were to have place liens on the property. Craig Eliassen advised that a government entity is going to going to get priority. He also further explained that a property tax lien that comes after a mortgage gets priority over the mortgage. Kim Hughes advised that in the 207 Washington situation, the Sussex County lien was given higher priority. Craig Eliassen advised that a Charter change would allow for the opportunity to escalate to Superior Court. Motion to file liens on the properties that have past due taxes aged over 2 years, and to start the motion process – Virginia Weller. Second – Tanya Mann. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

10.2 Fee Schedule – Kim Hughes would like to put Certificate of Occupancies on the Fee Schedule since Aaron Moore has now joined council and can provide additional support. Kim Hughes advised that she was suggesting the Council start at \$10. Aaron Moore agreed that \$10 is a good starting point and it can be adjusted if needed. Kim Hughes stated that she believed that \$10 was a fair price, given that she expected to only need to be provided proof that the County had issued their COO. Kim Hughes also wants Council to consider a demolition permit, but she wasn't sure if it should be a flat rate of \$50 or the cost of construction. Aaron Moore and Craig Eliassen agreed that the flat rate was the safest option. Aaron Moore questioned the impact fees. The fee was \$2,400, but it doesn't state per housing unit, per lot, etc. Kim Hughes advised that it was described her as "any newly constructed home." Aaron Moore questioned if a single family dwelling would be the same impact fee as a townhouse of six units. Kim Hughes clarified that the townhome would be 6 different impact fees assess. Aaron Moore further clarified it would be "housing units." Aaron Moore stated that there must be a rational nexus on the unit that is going in to where the money would be spent. He further added an example to include if there is currently one park in Town that can hold 300 people, once over that limit, the money would be spent on a second park. Per the ordinance, Aaron Moore advised that the spending of the money has to be decided beforehand and has a sunset clause of when the money must be spent in relation to the development. He further questioned what study was done in relation to Ingram Village and what has been decided for the income from that development. Kim Hughes advised that there was money released to the fire company. Aaron Moore reminded Kim Hughes that he was against the release to the fire company, however the money had been spent on an ambulance. Kim Hughes stated that she would have to look up the information related to any impact studies done. Motion to table discussion on impact fees until February's meeting and to add the Certificate of Occupancy and Demolition fee to the fee schedule – Aaron Moore. Second – Virginia Weller. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

10.3 Tax Rate – Kim Hughes believes that the tax rate needs to be increased, and the Council has been trying to find a way to do so that the new homeowners are not as impacted as the older homes. Craig Eliassen advised that he does not believe there should be distinction between "old" and "new" homes. Aaron Moore wanted to know why it's stated as \$1.80 for every \$100 of 50% assessed value and wanted to know if it was possible to state is as \$0.95 for of \$100 for 100% assess value, which would give a small bump while appearing to be a better tax rate in publications. Craig Eliassen advised that he needs to review the Charter. Craig Eliassen suggested that a written resolution should be made to establish tax rate. Kim Hughes would like to see a 10% raise. Motion to change the tax rate to \$0.99 for every \$50 assessed at 100% of Sussex County's 1974 assessment rate – Aaron Moore. Second – Tamara Skis. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

10.4 Wages/Salaries – The budget has been cut by approximately \$10K, and it needs to be cut on the police side as well. There are some part-time officers that only work events. Due to the part-time officers no longer having a full-time job from which they can receive their relevant training, the costs of the training would now be the responsibility of the Town. Craig Eliassen requested a written report of the financials to stress the impact of the situation. Motion to table until February – Virginia Weller. Second – Tamara Skis. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

10.5 CDBG Paperwork – Resolution 2021-01-06A recognizes the need for fair housing and authorize Sussex County to take any action necessary to support fair housing. Motion to accept as written – Aaron Moore. Second – Tamara Skis. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

Resolution 2021-01-06B allows Sussex County to act on behalf of the Town to apply for Community Development funds sponsored by Aaron Moore. Motion to accept as written – Aaron Moore. Second – Tamara Skis and Virginia Weller. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

11. Correspondence: The only correspondence has been business licenses and rental licenses.

12. Recognition of Visitors: Brandon Zeitler wanted to discuss the property at the D’Aquila site. Brandon Zeitler advised that the pond has grown in size and is now affecting his property on Pin Oak St. Brandon Zeitler advised that there is nowhere for the water to go from the pond. Brandon Zeitler advised that on Sunday, January 3rd, Mr. D’Aquila appeared at his house demanding the pipe be removed from his property. Mr. Zeitler further explained that in his discussion with Mr. D’Aquila, Mr. D’Aquila advised that he would serve Mr. Zeitler papers from the Town of Ellendale. On advice of previous council, the Town cannot get into the dispute related to the lights. Craig Eliassen advised that it needs to be made clear to Mr. D’Aquila that he has no authority to act on behalf of the Town. Tamara Skis questioned if the pond was contributing to the known contamination issue due to the junkyard. Aaron Moore confirmed that this site is one that is under monitoring for the contaminations. Mr. Zeitler advised that the Sussex County Soil Conservation reported to him that as much as a year ago, there were still contaminants in the area.

Mr. Zeitler was wondering how to get Walker Acres annexed. Aaron Moore inquired that he needed 51% of the houses to vote yes. Tamara Skis advised that the Land Use committee consider how to reach the elderly in a Covid-restricted situation.

13. Executive Session: Motion to enter into Executive Session at 9:36pm – Tanya D. Mann. Second – Tamara Skis. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis, Aaron Moore. Motion carried by unanimous vote.

Motion to leave Executive Session at 10:05pm – Virginia Weller. Second – Tamara Skis. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis. No vote: Aaron Moore. Motion carried by majority vote.

14. **Adjournment:** Motion to adjourn– Tamara Skis. Second – Virginia. Roll call vote. Voting in favor of the motion: Virginia Weller, Tanya Mann, Kimberly Hughes, Tamara Skis. No vote: Aaron Moore. Motion carried by majority vote.

Meeting adjourned at 10:05pm

Kim Hughes
President

2-3-2021
Date

Virginia Weller
Secretary/Councilmember

2-3-2021
Date