

**Mayor & City Council
Special Meeting
January 7, 2019
MINUTES**

The Mayor & City Council met on **Monday January 7, 2019 in Council Chambers at Lewes City Hall**, in accordance with proper notification, with the following members present: Mayor Ted Becker, Deputy Mayor Fred Beaufait and Councilpersons Dennis Reardon & Rob Morgan. Also present were: City Manager Ann Marie Townshend, City Solicitor Glenn Mandalas, City Planner Thomas West and Recording Secretary Alice Erickson. Councilperson Bonnie Osler was excused.

1. **Call to Order:** *Mayor Becker* called the meeting to order at **5:00pm**.

5. **Presentation and possible action on a request by the Delaware Bay Pilot's Association for placing of dredge pipeline in the right of way of Oregon and Laurel Avenue for Maintenance dredging.**

Jerry Medd, of the Pilots Association, gave an introductory statement on the need for the Association to dredge and pump the dredged material into the city's spoil site. Mr. Medd distributed and reviewed proposed drawings to council. The best way to get the spoils to the site is by hydraulic dredging. They will need to run a pipe down the right of way along Oregon & Laurel Avenues with directional borings under Bay Avenue and Cedar Street. In order to receive certain permits, they will need a letter from the city stating they do not contest the underground boring. Once the dredging is completed, they will remove all above ground piping and cap the underground pipes and bury. There has been an initial conversation with BPW regarding the location of underground utilities. Their directional boring will go below any services BPW may have in the ground and will not present a problem. Once the underground pipes have been capped and buried a plaque will be posted on each end to indicate where it is located.

Councilperson Morgan questioned the capacity of the spoil site? *Mayor Becker* stated there is plenty of room and he is not concerned. *Mr. Medd* stated their volume will be approximately 6,000-7,000 yards and there is plenty of capacity at the site.

Councilperson Reardon questioned if there are any environmental concerns. *Roy Denmark* explain the permitting process includes an environmental assessment.

Deputy Mayor Beaufait questioned when the dredging will take place. *Mr. Medd* explain it will not be during tourist season as they have to be done by March 31st and will take approximately 3-4 weeks. The exact start date will depend on when all the necessary permits have been received. He is hoping within the next month. The contractor is available to move forward.

Mayor Becker open the hearing to the public.

There was a question as to what other methods were considered. *Mr. Medd* explained they looked at several different options, but this was the best and least expensive method.

It was questioned if other people will be able to use the permanent underground piping. *Mr. Medd* stated it will be the property of the Pilot's Association and he doesn't believe anyone else will use it. It is possible, but the Pilot's Association would have to give permission and council would have to approve it. He hopes it will only get used once and in the future they will be able to use dredged materials for beach replenishment.

It was questioned if a wetland permit was required. *Mr. Medd* stated yes, and they have submitted the application.

Mayor Becker stated all the work will be done within the city's right of way.

ACTION: *Deputy Mayor Beaufait* made a motion to approve and write the necessary letter to allow installation of the pipeline as outlined., second by *Councilperson Morgan*.

Councilperson Reardon questioned if he should recuse himself as the pipeline will be run directly adjacent to his property. *City Solicitor Mandalas* stated it is not necessary, but it would be his decision. *Councilperson Reardon* stated he would feel more comfortable recusing himself.

ACTION: *All voting in favor, the motion carried with a majority vote. Councilperson Reardon recused himself.*

ACTION: *Deputy Mayor Beaufait made a motion to go into Executive Session, seconded by Councilperson Reardon, all voting in favor, motion carried.*

2. Executive Session: Council went into executive session at 5:31pm to discuss personnel issues and documents protected under FOIA.

3. Return to Open Session: Council returned to open session at 6:48pm.

4. Possible action on matters discussed in Executive Session

ACTION: *Councilperson Reardon made a motion that based on legal advice, and due to the fact that Settings Development had relied in good faith upon the regulations within the Annexation Residential (AX-RES) zone and there has potentially been a vesting of rights, any amendments made to the AX zones would not be applied to the subdivision application filed for the Brittingham property, seconded by Deputy Mayor Beaufait. The motion passed on a vote of 3-1, with Councilpersons Morgan voting in opposition to the motion.*

6. Adjourned: The meeting adjourned at **6:51pm**.

Minutes submitted by

Alice Erickson
Recording Secretary