



# Town of Dewey Beach Newsletter

**MAYOR**  
Dell Tush

**TOWN MANAGER**  
Gordon Elliot

**August 2008**

**COMMISSIONERS**  
Dale Cooke  
Rich Hanewinkel  
Diane Hanson  
Claire Walsh

## Important Update on Planning and Zoning NOTE: This Could Affect Your Property Value

*By Gary Mauler and David King, Planning and Zoning Commissioners*

Your P&Z members and Town Commissioners want to hear from you. Attend upcoming Planning and Zoning Meetings on:

**Friday, September 5 at 6:00 p.m. at the Life Saving Station.** This will be a workshop with no public comment.

**Friday, September 19 at 6:00 p.m. 4<sup>th</sup> Floor Conference Room at the Best Western Hotel** on Coastal Highway at Dickinson Ave (across from the Rusty Rudder.) This will be a public hearing for the public to comment and ask questions.

**Saturday, September 27 at 9:00 a.m. at the Life Saving Station.** This will be the final meeting with a vote as to whether or not to send the final draft of the Zoning Code to the Town Commissioners.

You will also have an opportunity to voice your opinions at public hearings during the regular town meetings on **October 11 and November 8.**

Come hear what changes your Planning and Zoning Commissioners are proposing for the future zoning code of Dewey Beach. Review an amendment of the town's current zoning code as required for implementation of the 2007 Comprehensive Development Plan. One thing about change is

certain: there are always pros and cons, and P&Z has been wrestling with these issues over the past 17 months.

For further information on the zoning changes and the meetings, please refer to the town website: <http://www.townofdeweybeach.com>

### How would you weigh in on these issues?

Should tiered setbacks be required?	
<b>Potential Advantages:</b>	<b>Potential Disadvantages:</b>
Less boxy looking homes	Limited views for those with farther setbacks
Better views	
Should garage space be included in the FAR?	
<b>Potential Advantages:</b>	<b>Potential Disadvantages:</b>
Less McMansions or canyon effect	Limits potential parking
Limits misuse of garages as living space	
Should we allow rooftop decks or limit their size?	
<b>Potential Advantages:</b>	<b>Potential Disadvantages:</b>
Less boxy looking homes with flat roofs	May prevent views
Less noise	
Should we establish Architectural Standards?	
<b>Potential Advantages:</b>	<b>Potential Disadvantages:</b>
Controls the look of new construction	Limits what a property owner can do
How many off-street parking spaces should be required for new homes?	
<b>Potential Advantages:</b>	<b>Potential Disadvantages:</b>
The more required means more parking	May limit options for additions to older homes
May limit the size of new homes	May limit the size of new homes

# Annual Election September 20, 2008

Two Town Commissioner positions are on the ballot this year along with two important referendum items which are explained further below. Commissioners Tush, Hanson, and Hanewinckel, elected last September, will continue their terms of office for another year. Current terms of office for Commissioners Walsh and Cooke will expire.

The cutoff date for candidates to file for election is August 21. Two candidates have filed so far to run for commissioner: Marc Applebaum on Rodney Street and Martin Seitz on Swedes Street. Both are non-residents.



## Voting Procedures

The Town is using the same procedures for absentee balloting as last year based on the new Delaware Voting Law. Absentee balloting was particularly difficult last year because of the many changes in required procedures and the large number of ballots that were cast. We appreciate your patient determination to vote! Here's the information you need to vote.

1. Owners who hold their property in trust and are the Settler/creator(s) and trustee(s) of their property, should be sure that copies of the first and last pages of the trust are on file with the Town in order to be eligible to vote. Call town hall *now* to inquire if your documents are in place: (302) 227-6363.
2. If there were any problems with the listing of you and/or your property in last year's election, please be sure that the Town has the correct information before this year's election on September 20. You might have problems voting if your property is not listed properly with the Town. Delays in mailing absentee ballots after the affidavits have been received in town usually are due to properties or names on deeds not listed properly.
3. **If you need an absentee ballot, please read the following:**
  - \* First you must fill out an affidavit. They will be mailed to you in the Town Election Announcement shortly after August 20. Or you can call or go to town hall to ask that they mail or fax an affidavit to you.
  - \* After you return the affidavit to town hall—by mail, by fax, or in person—they will confirm that you are an eligible voter and provide an absentee ballot.
  - \* Return the completed ballot by mail or in person by noon, Saturday, September 20 or your ballot will not count.

# Referendum Ballot Questions and Explanation

The following two proposals have been submitted by the Town Commissioners to the voters of Dewey Beach for consideration. Following is the exact wording on the items as they will appear on the ballot and are also available on our Town website. These are advisory (non-binding) referendums, but could be used by subsequent Town Councils for proposed Charter changes. If the property owners vote in favor of these recommendations, the commissioners will hold public hearings and then forward the request to the Delaware State Legislature for their approval, most likely in January 2009.

## CIRCLE “YES” or “NO” FOR EACH PROPOSAL

A **YES** vote means that you support the proposed Charter change and that you desire the Dewey Beach Town Charter be changed by the State Legislature, who has the final decision. A **NO** vote means that you do not support the proposed Charter change and do not want the Dewey Beach Town Charter changed on this issue by the State Legislature, who has the final decision.

**1. A Charter amendment to establish an Accommodations Tax imposed upon all tenants renting or leasing residential property located within the municipal boundaries of Dewey Beach, except for those having a valid rental agreement or valid lease agreement with an initial term of at least one year. The Accommodations Tax shall be as set from time to time by the Commissioners of Dewey Beach, but not to exceed three percent of the rent or lease amount unless approved by referendum.**

YES NO

### **Explanation of Referendum Item on Accommodations Tax By Dale Cooke who initiated the proposed change**

After many years of attempting to continue to keep our fees and charges to a minimum, the Town has come to the realization that the very weak economy has forced us to look for additional revenue to keep your services at their present level. For years, while other municipalities continued to raise property taxes and other fees to stay in the black, Dewey Beach held the line. Dewey continues to be the only town without a property tax—the only tax you presently pay to the town is a very small fee to keep money available for beach replenishment. With good management practices, the Town Manager and Police Chief have limited their expenditures so that we have not needed to ask the property owners for additional funding. Unfortunately, now with normal transfer taxes and building permits revenue so restricted by the poor economic situation, the Town needs your assistance. Unless there is a major reversal in the national and local economy, the lack of revenue has the Town at a projected loss for this year.

After a number of meetings, the Budget and Finance Committee recommended the Town Commissioners review and forward on to the voters a referendum question concerning an "up to 3% Accommodations Tax." **That fee would be paid by the visitors who rent our residential**

**vacation homes and would not come at the expense of the actual homeowner.** Hotel occupants anywhere within the State presently pay an 8% Accommodations Tax to the State of Delaware and most local municipalities have their own additional fees already in place, including Rehoboth and Bethany Beach. **The recommended residential Town of Dewey Beach tax would most likely not go into effect until the end of the 2009 rental season and would be collected by the Real Estate agents or the owners from those visitors coming to town to rent** and then passed on to the Town. Once instituted, any proposed tax could not be raised above 3% without a new vote of the residents and property owners but could be decreased or eliminated if town finances allow.

The Delaware League of Local Governments and the Sussex County Association of Towns have suggested that **the State may initiate a 5% accommodation tax statewide to help alleviate budget shortages and, if they do, Dewey Beach renters would have to pay this tax anyway but it will go to the state and none will go to Dewey. While if we enact it before the state does, we would keep the tax for our own town.**

If the Town voters and the State also approve, the Town Commissioners would then have to hold public meetings to decide the final percentage amount (from 1% up to a maximum of 3% for the tax) and the actual date of institution. The Commissioners ask that you seriously consider the ongoing needs of the Town and hope that you will give this idea a positive reception when you vote in September.

**2. A Charter amendment, consistent with the current Code requirement, that no structure within the municipal boundaries of Dewey Beach shall exceed 35 feet in height, as measured from the center grade of any street upon which the property has frontage. Legally existing structures over 35 feet in height shall be excluded.**

**YES NO**

**Explanation of Referendum Item on 35' Height Limit  
By Diane Hanson who initiated the proposed change**

Our current building height limit of 35 feet is recorded in our Town Zoning Code. But three or more commissioners can change the Code without having a referendum and without consulting the Delaware Legislature, so it's not very secure.

If the voters approve this Charter amendment, the 35-foot height limit will become a part of our Town Charter. Since the Delaware Legislature must approve charter changes, the 35-foot height limit becomes more protected. Three or more commissioners cannot change the height limit without consulting the citizens through a referendum and without going to the Legislature for approval. Before the legislators approve a change in our charter, they will want to be assured that this is what the citizens want.

If in the future, the Town wants to increase the height limit, that is still possible, but it can't be done without approval from the citizens and the Legislature.

Placing the 35-foot limit in the Town Charter gives the people the power to control this issue and prevents developers from changing our height limit by gaining control of the Town Council.

# Dewey Beach Fall Festival

**Saturday, September 20, 2008**  
**6:00 until 9:30 p.m.**

Our annual beach party will be on the beach at Dagsworthy Ave. No admission charge.

Menu: A Taste of Dewey. Local businesses will provide a sampling of their specialties on the beach at reduced prices for food and drinks. We will have a bonfire and entertainment on the beach as in previous years.

Drinks available: Bottled water, sodas, beer, and wine.

Anyone wishing to donate may do so by sending your donation to: Town Hall; 105 Rodney Avenue; Dewey Beach, DE 19971. We hope all property owners will attend.

## Cinema in the Sand and Bonfires on the Beach

### Movie Schedule:

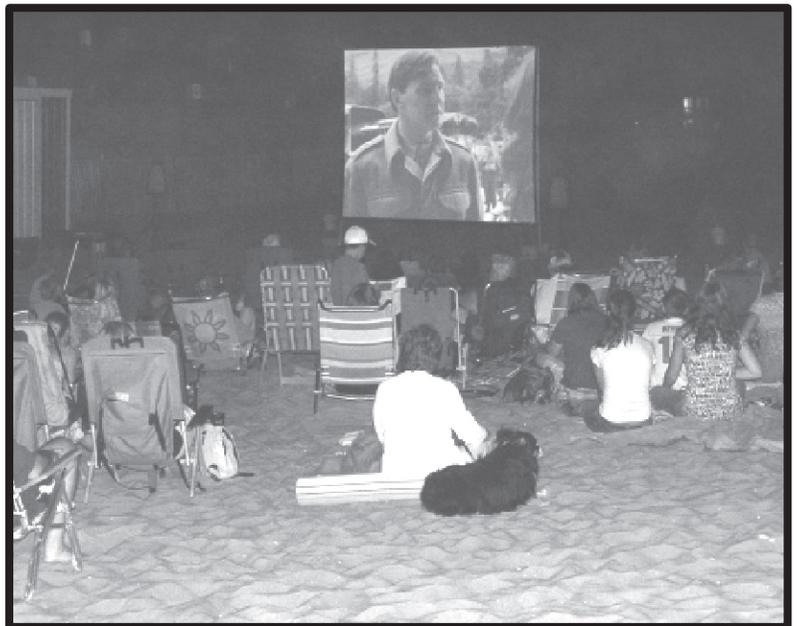
August 18 Antz

Aug 25 Charlotte's Web

September 1 Scooby Do (last movie this year)

And don't forget the bonfires on the beach every Wednesday through Labor Day.

Movies and bonfires are at Dagsworthy and the beach. Bonfires are from 7:00 to 11:00 p.m. Movies start at dusk. Both events are FREE.



## Skim Boarding Competition

**August 16 - 17**  
on Dagsworthy St.

More info? [www.skimusa.org](http://www.skimusa.org)

# Fall Beautification Day

## October 4, 2008

It's been a banner year in Dewey with bright blue banners down the center of town. They not only brighten up the town center, but also helped bring in money to replace some of the trees in the medians. Many of the trees on the medians are Bradford Pears and unfortunately are not only considered an invasive species, but their branches are prone to breaking in high winds.



On October 4, we need your help with planting these new trees. To volunteer to help or to sponsor a memorial tree, contact Diane Hanson, Chair of Unity for Beauty Day at 302 226 5998 or by email at [dianehanson@deweybeachcivicleague.com](mailto:dianehanson@deweybeachcivicleague.com).

Hopefully you've also noticed the flowers and the natural design of our main median strip. Sixty Dewey Beach property and business owners were digging in the dirt on May 17 and enjoying it. They were working together,

planting flowers and trees during the Dewey Beach Civic League's second annual Unity for Beauty Day. Many were repeat volunteers from last year's Unity for Beauty Day and that says a lot about how much our citizens take an interest in their community.

And this year we went “native” by installing plants and trees that are native to this area. The result is not only beautiful. It's good for the economy. Towns with good landscaping reap benefits that go beyond aesthetics—they are likely to harvest a 12% increase in revenue as well as decreases in crime and noise, according to the US Forest Service. A good tree canopy can help reduce car accidents and help manage storm water run-off too.

All the plantings were designed and supervised by Todd Frichtman of Envirotech Environmental Consulting, Inc., in Milton, DE. Todd, president of the firm graciously donated his time and his firm's resources to the project. The plantings are designed for year-round color and for durability in our dry, windy, sandy, and salty-air environment with little maintenance. Plants include low-growing wildflowers, coastal azaleas, red chokeberries and winterberry holly. For more detailed info and photos of the event go to the Dewey Beach Civic League's website: [www.deweybeachcivicleague.org](http://www.deweybeachcivicleague.org).

# Dewey Beach Sports Festival Update

*By Mayor Dell Tush*

This past June 7 & 8 Dewey Beach hosted its first annual Dewey Beach Sports Festival to usher in the summer. This event brought pro volleyball players from around the country & Canada to Dewey Beach to compete. With the help of Sponsors, Toyota, NKS Distributors, Dewey Beach Enterprises & the Starboard, Corrigan Sports brought us a first class event that we hope will become an annual Sports Festival for Dewey Beach. It is hoped that this event will be expanded each year to include other things such

as a 5K race, kayak racing, and other sports activities.

This year was a challenge as we had a severe storm in early May that took away a lot of our beach. The event had to be moved from the original site on Dickinson Avenue further north on the beach to accommodate the volleyball courts. Corrigan was great to work with and cooperated fully with the Town to make this happen. We did manage to have several courts even though the beach had narrowed due to the storm, as well as several sets of bleachers for the

players and spectators to be able to watch.

Many thanks go to Harry Wilson for coordinating the skim boarding competition, a fun and entertaining event. These young people were truly amazing to watch. The large annual skim boarding competition will be held in August—and the hope is everyone will come out to enjoy this spectacular sport. The Town would like to thank all those involved in making this a reality and we look forward to having this event again next summer.



From left to right: Diane Hanson, Dale Cooke, Dell Tush, Rich Hanewinkel. The commissioners were in Dover at the State Legislative Hall to support our Town's charter changes which were being challenged by a developer

## **From the Editor**

Budgetary restrictions permit us to send only one hardcopy to the property owners on file. If you would like to receive additional copies via email, please contact me directly.

Email: [dianehanson@townofdeweybeach.com](mailto:dianehanson@townofdeweybeach.com) or Phone: 302 858 8926.

*Diane Hanson*  
Commissioner



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