

October 5, 2021

TO: Town of Ocean View County Council, Mayor, Town Manager and Planning & Zoning  
CC: Susan Canfora

I am writing in response to the "Pending Ordinance to Amend the Ocean View Code, Chapter 169, Property Maintenance, Article 1" that is posted on the Town website.

I have several follow-up questions regarding the proposed change:

Regarding the proposed inclusion of **"... No person... shall permit trees, shrubs, grasses, vegetation to grow upon the Town's easements or right of way that may be dangerous to stormwater management and drainage systems..."**

1. Does this change apply to bioswale channels and concrete drainage swales? **No.**
  - o In speaking with Sussex Conservation District (SCD), any revision to easements that serve as a source of water conveyance require approval from the SCD. Revisions include any alteration, including removal of vegetation, grasses, weeds, etc. **No revisions to easements.**
  - o Has SCD provided their approval for this change? **Changes to Town Code do not need SCD approval.**
  - o How do residents maintain such easements if they do not have the authority to make any changes? **No changes need to be made to such easements. Don't obstruct the conveyance of drainage water.**
2. Is it not the Town's responsibility to maintain drainage systems that support storm water run-off? **The Town currently maintains all drainage systems within their right of way. The change to this section of the town code will give the town the legal authority to clean swales as deemed necessary on private property.**
3. In some cases, the Town has already accepted responsibility of streets and easements in less-than-ideal circumstances (e.g., pre-existing conditions with easements and storm water features). If the Town accepted the conditions "As-Is" why is this burden being passed to Homeowners now? **The town accepts all features within the right of way.**
4. What process is to be followed in communities with Homeowner Associations (HOAs)? Is the revision to this ordinance meant to supersede the responsibility of the HOAs? **The process is to be followed by HOA's.**
5. In some cases, drainage easements within the Town flow into easements that are not located within the Town. Clearing vegetation from the Town's easements will not solve drainage issues unless there is cross-jurisdiction cooperation to ensure all sources of water conveyance are following the same set of guidelines. Does the Town have cross-jurisdiction support from the County? **The Town communicates and coordinates with the county as needed.**
6. A fee schedule is mentioned in "Chapter 3". Please provide a link to the fee schedule. It is not easy to find on the website. **Pdf attached.**

I want to ensure there is full transparency and understanding of the cost impact that this proposed change will have on residents of the Town of Ocean View. It appears there is unfair hardship being imposed on residents based on prior decisions made by Town Officials to accept less than ideal circumstances from Developers. **There is no hardship being imposed. As stated above in No. 2, this will allow the town to enter private property to clean swales as necessary if the property owner doesn't.**

Please reply prior to the upcoming public meeting on October 12, 2021 so that I can be fully prepared to present my opposition at the meeting.

Thank you.

Sincerely,  
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