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| TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES APRIL 12, 2013 |
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MEETING CALLED TO ORDER

Mayor Jankowski called the April 12, 2013, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Pat Voveris, Sue Callaway, and George Junkin; Town Manager Melvin Cusick; PFC Patrick Wiley; and Administrative Assistant Pam Smith

UNEXCUSED ABSENCE: Councilman Mark Damato (Due to a personal emergency.)

PROPERTY OWNERS' PARTICIPATION

- Mike Matera (311 W. 9th St.) – Stated that his tenant on the corner of W. 9th and Canal Dr. sold her boat because the canal (Russell Canal) is so dirty. Mr. Matera asked when the canals will be cleaned up. Councilman Junkin said that DNREC said they will be down by mid week next week to assess the situation to see if there is enough algae to bring the harvester to South Bethany. A discussion ensued regarding the algae in the canals. During the discussion the tidal pump and the diffuser project were mentioned. Councilman Junkin stated that the diffusers should help lower bacteria levels and raise the dissolved oxygen levels, but people should not get the idea that the diffusers will solve the algae problem. Mayor Jankowski stated that Council is watching it and trying to come up with a solution.
- Kent Stephan (46 S. Anchorage Dr.) – Referring to South Bethany's Town Code § 145-14.3, Ground covering allowed in setback area, regarding permeable pavers, Mr. Stephan said that the stated purpose of the ordinance cannot be achieved by the ordinance and the ordinance should be done away with. Mr. Stephan said that he and other people have been told by different Council Members that the ordinance was put in place in order to create more street side parking. Mr. Stephan stated that property owners should not be restricted at all in putting permeable pavers at the end of their driveway. Mr. Stephan questioned why the Town wants to encourage more street side parking on the west side of Rt. 1 where parking permits are not required. Mr. Stephan does not think it will be the citizens of South Bethany taking advantage of the parking spaces. He believes it will be outsiders coming in to park on the west side and then walking to the beach. Mr. Stephan does not think the ordinance helps the citizens of South Bethany.
- Lloyd Hughes (152 Layton Dr.) – Suggested asking DeIDOT to take care of the area on the east side approach of the Vines Creek Bridge where it flooded during Hurricane Sandy. Mayor Jankowski stated that she would talk to some of the other mayors in the area to see if anyone has expressed a concern. Mayor Jankowski stated that the Town could write a letter to DeIDOT. Councilman Junkin stated that the DNREC Sea Level Rise Advisory Committee has identified all of the emergency evacuation routes that will be flooded if the floods are at certain heights. Mr. Hughes stated that another vital topic to look at is possibly a plan to raise the canal bulkheads in town. Councilman Junkin stated that the Town has been awarded a contract to survey all of the bulkheads in town to determine how high they are. A discussion ensued regarding different things that should be looked at. Councilman Junkin stated that the Sea Level Rise and Storm Surge Adaptation Committee that he is proposing tonight would try to come up with alternatives and develop cost benefit analysis to help decide what should be done. Mr. Stephan suggested that while memories are fresh data should be gathered regarding how much it cost people for repairs after hurricane Sandy. Councilman Junkin said that is a good point.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, March 8, 2013** – A motion was made by Councilman Gross, seconded by Councilwoman Callaway, to accept the March 8, 2013, Town Council Regular Meeting Minutes as amended as follows:

Page 4 under Highlights on Revenue – add the following items which Councilwoman Voveris had reported on at the March 8, 2013, meeting:

- Property Taxes - There are 7 owners who are delinquent in paying their taxes, totaling \$3,537. We have collected \$486,876, or 98.4% of budget. We anticipate eventually collecting all taxes.
- Rental Tax Revenue - Collections year-to-date are \$517,137, or 104% of budget. Compared to FY 2012, we've collected \$28,063 more revenue. Our current YTD revenue is the highest of the last 6 years. We anticipate collecting more rental tax, but it will not be material.

The motion was unanimously carried.

- **Town Council Budget Workshop Meeting Minutes, March 28, 2013** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the March 28, 2013, Town Council Workshop Meeting Minutes. The motion was unanimously carried.
- **Town Council Executive Session Minutes, March 28, 2013** – A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to accept the March 28, 2013, Town Council Executive Session Minutes. The motion was unanimously carried.

LEADERSHIP REPORTS

- **Mayor's Report**—Mayor Jankowski reported:

Councilwoman Callaway attended the following meetings in Mayor Jankowski's absence:

March 13 Sussex County Association of Towns (SCAT) Monthly Dinner Meeting – The guest speaker was Chris Bason from the Center for the Inland Bays. He presented an overview of the proposed aquaculture program that would promote aqua farming in Delaware which includes oyster farming. Mr. Bason hopes the legislature will vote to support this initiative.

March 22 SCAT Breakfast Meeting – The annual meeting which focuses on the legislative issues that are discussed in Dover. This year SCAT is focused on Municipal Street Aid, the Freedom of Information Act, funding issues regarding paramedic funding and realty transfer tax, recycling, prevailing wage, tax intercept, workers compensation, and sea level rise.

April 3 SCAT Monthly Dinner Meeting – Rehoboth Beach Commissioner Stan Mills gave a presentation that focused on recycling and the impact of commercial recycling on the county and municipal governments. There was also a presentation by a manager of a recycling processing plant in Wilmington.

Meet the Mayor meetings – Scheduled for May 11, May 18, and June 1. Councilman Junkin agreed to give a presentation on Sea Level Rise. One meeting will be geared towards full-time residents, another meeting will be geared towards property owners who rent their properties, and another meeting will be geared towards property owners who come to South Bethany on weekends and vacation. Mayor Jankowski would like to hear the perspective from those different groups.

- **Town Manager's Report**—Melvin Cusick reported:

Ambulance Service Reports: The First Quarter 2013 EMS Run Report and the March 2013 EMS Run Report were available on the sign-in table.

The Third Annual EMS Week Open House will be held Saturday, May 11, 2013, from 10 a.m. to 2 p.m. at the Bethany Beach fire house. The Town Manager encouraged everyone to attend.

The State has started working in Rehoboth Beach and Dewey Beach on repairing the damage from the storms on the beach walkways on the ocean side. When they are finished in Dewey Beach they will begin work in Fenwick Island, South Bethany, and Bethany Beach. They hope to have the walkways ready before Memorial Day.

The beach replenishment project is out to bid and the bids will be opened May 22. At this time it is not known when the beach replenishment project will begin.

The Town has started the repair work on the west side of the dune.

- **Treasurer's Report**—Pat Voveris reported as of March 31, 2013:

Councilwoman Voveris reported on the trash, recycling, and yard waste tonnage report for January, February, and March. There was a decrease in trash, an increase in recycling, and an increase in yard waste. The Town Manager noted that yard waste normally increases this time of year.

TOTAL OF FUND BALANCES

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|---------------------------------|---------------------|
| Fund Balances February 28, 2013 | \$ 2,008,657 |
| March Revenue | 43,766 |
| March Disbursements | <u>122,333</u> |
| Fund Balances March 31, 2013 | <u>\$ 1,930,090</u> |

FISCAL 2013 YEAR-TO-DATE REVENUE AND EXPENDITURE

| | |
|------------------------------------------------|-------------------|
| Total Revenue | \$ 2,350,129 |
| Total Expenditures | <u>1,978,108</u> |
| Year-To-Date Revenue in excess of Expenditures | <u>\$ 372,021</u> |

FISCAL 2013 YEAR-TO-DATE BUDGET TO ACTUAL

| | <u>BUDGET</u> | <u>ACTUAL</u> | <u>%</u> |
|--------------------------------------|----------------------|----------------------|-----------------|
| Total Revenue | <u>\$ 2,080,701</u> | <u>2,350,129</u> | <u>113%</u> |
| <u>Expenditures</u> | | | |
| G&A | \$ 507,800 | \$ 481,553 | 95% |
| Public Works | 186,157 | 156,602 | 84% |
| Public Safety | 609,547 | 549,230 | 90% |
| Beach Patrol | 214,868 | 217,623 | 101% |
| Total Departmental Expenses | <u>1,518,372</u> | <u>1,405,008</u> | <u>93%</u> |
| All Others (e.g.- Grants, ARM, etc.) | <u>562,329</u> | <u>573,100</u> | <u>102%</u> |
| Total Expenditures | <u>\$ 2,080,701</u> | <u>\$ 1,978,108</u> | <u>95%</u> |

All departments are operating within budget.

After the first eleven months of Fiscal 2013 (March 31, 2013), it appears the Town's financial results should finish with a surplus against our Operating Budget, and there does not appear to be any issues which will materially affect Councilwoman Voveris' estimates.

HIGHLIGHTS ON REVENUE

- Property Taxes - There are 6 owners who are delinquent in paying their taxes, totaling \$2,989.52. We have collected \$487,222, or 98.5% of budget. We anticipate eventually collecting all taxes.
 - Transfer Taxes - In March we collected \$19,980 or 188% more than the same month last year. This March represents the third largest March revenue in the last 6 years. Year-to-date overall revenue is ahead by 90% over last year. The Town budgeted \$225,000 for FY 2013 and has surpassed this number by 60% in 11 months of our budget cycle. We anticipate eventually collecting 65% more than budgeted.
 - Rental Tax Revenue - Collections year-to-date are \$518,343, or 104% of budget. Compared to FY 2012, we've collected \$28,399 more revenue. Our current YTD revenue is the highest of the last 6 years. We anticipate collecting more rental tax, but it will not be material.
- Rental Licenses - Collections YTD are \$36,652. We budgeted \$28,000, and are now at 131% of budget.

HIGHLIGHTS ON EXPENDITURES

- Nothing material to report
- **Police Department Report/Questions**—PFC Patrick Wiley reported for the month of March, 2013:
 - 04 Mar:** Assisted DSP Troop 4 with a vehicle collision on Coastal Hwy at the Dollar General Store. The driver of the vehicle involved stated that while she was driving, she accidentally stepped on the gas pedal instead of the brake pedal and ran into the building. She was not injured.
 - 06 Mar:** Officer observed a transformer on Evergreen Rd. that had a tree branch lying against it and was on fire. Several explosions occurred and cleared the branch from the transformer and put out the fire. The officer secured the scene until fire department personnel arrived and assumed control.
 - 08 Mar:** Assisted DSP Troop 4 with a traffic stop approximately one mile south of the town limits. The Trooper stopped the vehicle for displaying an altered temporary registration tag. The Trooper had the vehicle towed and the South Bethany officer transported the driver and his passenger to the Rehoboth Inn Motel.
 - 08 Mar:** Officer stopped a vehicle on State Rt. 1 for speeding. The female driver was wanted out of the New Castle Court of Common Pleas for failure to appear for a traffic charge. The officer transported the driver to the Ocean View Police Dept. where she was arraigned via videophone and released on \$500 unsecured bond.
 - 9 Mar:** Officer responded to a residence on Anchorage Dr. in reference to a pine tree that had fallen on top of the residence. The officer notified the owners via telephone who arrived on scene shortly afterwards.
 - 9 Mar:** Officer assisted a motorist who had contacted him while he was on patrol because she was having an asthma attack while driving. The officer called for an ambulance which arrived on scene and transported the victim to Beebe Medical Center.
 - 10 Mar:** Assisted Fenwick Island PD with a DUI traffic stop on State Rt. 1 in Fenwick Island. The officer transported two passengers to an address in Rehoboth Beach.
 - 25 Mar:** Officer stopped a vehicle on State Rt. 1 for a moving violation. The driver's operator's license was suspended and there was an active warrant for her arrest out of the Newark Alderman's Court. The driver was transported to JP Court 1 where she was arraigned and released on an unsecured bond.
 - 27 Mar:** Officer stopped a vehicle on State Rt. 1 for a traffic violation. There were multiple warrants out of JP Court 11 in New Castle County for the driver's arrest. His vehicle was towed and he was transported to JP Court 1 where he was arraigned and released on an unsecured bond.

Officers responded to a total of 7 false residential alarm activations during the month of March.

Mr. Matera complained about people rolling through the stop sign at Russell Rd. and Canal Dr. Ms. Nazarian added that people also roll through the stop sign at Evergreen Rd. and Peterson Dr. PFC Wiley said an officer was out there yesterday for about five hours watching the stop sign at Russell Rd. and Canal Dr. PFC Wiley said he will pass it on to the other officers to continue to keep an eye on those areas.

ORDINANCES/RESOLUTIONS

- **Third Reading of Ordinance 169-13, to amend Chapter 114, Solid Waste, Article I, Entitled "Collection Fees", and Article II, entitled "Solid Waste", to Update Disposal Regulations, to Regulate the Size and Number of Solid Waste and Recycle Containers for Rental Properties, and to Require Penalties for Offenses (Jim Gross)**

Councilman Gross stated that the third reading of Ordinance 169-13 is a final result of the meeting of the Charter and Code Committee on Monday, April 8, at which time the comments made by the Town's attorney as well as comments made by Councilman Junkin and Mayor Jankowski were considered.

Councilman Gross reviewed Ordinance 169-13.

Mayor Jankowski declared this the third reading of Ordinance 169-13.

A motion was made by Councilman Gross, seconded by Councilman Rae, that Council adopt Ordinance 169-13. The voting was as follows:

FOR THE MOTION: Mayor Jankowski and Councilpersons Rae, Gross, Voveris, Callaway, and Junkin

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

- **Third Reading of Ordinance 170-13, to Amend Chapter 20, Planning Commission, to Change the Number of Members from Five to Not Less Than Five Nor More Than Nine (Jim Gross)**

Councilman Gross reviewed Ordinance 170-13.

Mayor Jankowski declared this the third reading of Ordinance 170-13.

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council adopt Ordinance 170-13. The voting was as follows:

FOR THE MOTION: Mayor Jankowski and Councilpersons Rae, Gross, Voveris, Callaway, and Junkin

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

Mayor Jankowski thanked Councilman Gross for leading this and she thanked Mr. Cestone. Councilman Gross said the Council would have never been able to do these ordinances in a timely way if it hadn't been for the help of the Charter and Code Committee.

- **Resolution 3-13, a Resolution to Set the FY 2014 Property Tax Rate and Rental Tax Rate**

Councilwoman Voveris read Resolution 3-13.

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council accept Resolution No. 3-13. The voting was as follows:

FOR THE MOTION: Mayor Jankowski and Councilpersons Rae, Gross, Voveris, Callaway, and Junkin

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

ADMINISTRATIVE MATTERS – APPROVAL OF FY 2014 BUDGET

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council approve the FY 2014 Budget. During discussion Councilman Gross stated that the charts needed work and he hoped they were not part of the budget. Councilwoman Voveris stated that the budget Council is approving begins on page 5 and runs through page 20. Mayor Jankowski said Council will take the charts out. The Town Manager suggested adding a signature page to the budget for Council to sign. Mayor Jankowski asked for a roll call. The voting was as follows:

FOR THE MOTION: Mayor Jankowski and Councilpersons Rae, Gross, Voveris, Callaway, and Junkin

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

Council thanked and expressed their appreciation to everyone on the Budget and Finance Committee and Town Staff who prepared this year's budget. Councilwoman Voveris gave credit to Budget and Finance Committee member Tony Caputo for helping to make the budget more transparent. She also gave credit to the Town's Finance Director, Renee McDorman, who worked very hard to implement changes that Mr. Caputo recommended. Councilwoman Voveris said that it was a collaborative effort.

COMMITTEE REPORTS

- **Assawoman Canal and Trail Update** – Councilman Rae reported:

There has been no change since last month's report.

Regarding debris in the Assawoman Canal, Councilman Rae said if you have the ability on your cell phone to get the latitude and longitude of the spot where the debris is send it to Councilman Rae and he will report it to the State and follow up with them. If you don't have that capability, try to get a general description as best you can and then Councilman Rae will follow up. Councilman Rae added that pictures are good.

- **Community Enhancement Committee** – Councilwoman Callaway reported:

The Community Enhancement Committee met on Tuesday, March 12, and reviewed the Trash Talk flyer. The Code Enforcement Constable and Public Works employees attended the meeting.

The mulching along Rt. 1 has been completed. There will be more plantings done in April and May.

Alternative Ocean Drive lighting will be discussed at the next meeting.

The directional sign for Town Hall on Russell Road has been redesigned. Lori and Frank Cicero did the graphic design (free of charge). The committee finalized the final draft and the sign is being produced.

Earth Day Celebration in South Bethany – The committee will be landscaping a Town owned canal end on York Road. Everyone is welcomed to participate on Monday, April 22, at 10 a.m.

Adopt-a-Canal program – there are five new adoptions in various stages of the adoption process and there is the potential for two more. A Boy Scout has adopted a canal end between Godwin Pl. and Kent Pl. as part of his Eagle Scout project.

Council reviewed the Trash Talk flyer which the Community Enhancement Committee drafted. Council agreed to a few minor changes. The flyer will be distributed with the Town's Tax Bill.

The next Community Enhancement Committee meeting is scheduled for April 23.

- **Budget and Finance Committee** – Councilwoman Voveris reported:

The Budget and Finance Committee met on Saturday, March 16. The meeting was the public input meeting regarding the FY 2014 Budget. Because there were no property owners in attendance other than committee members and Council members, Councilwoman Voveris recommended to the Mayor and Council to have the public meeting on the budget either before or as part of the Town Council Regular Meeting.

After the public input meeting the Budget and Finance Committee met and reviewed the FY 2013 Budget Year to Date, discussed Operational Reserves to come up with a recommendation to Town Council, and reviewed the Town of South Bethany Schedule of Fees.

- **Canal Water Quality Committee** – Councilman Junkin reported:

- Diffuser Pilot Project for the Petherton Canal
 - Envirotech has all required permits
 - The electrician has installed the electrical box.
 - Envirotech is waiting for DELMARVA to install the power meter.
 - Six diffusers should be in the Petherton Canal by the end of April.
- Grant for rain gardens along the east side of Route 1.
 - The CIB has been awarded the grant
 - DNREC has released the funds to the CIB
 - CIB has gone out for bids on the project. Bidding was closed 4/10/13. They received bids from two qualified organizations, URS and Cardno Entrix.
 - Project will probably be completed by late May, early June.
- Oyster Gardens
 - This is the year we get new spat (baby oysters) from the CIB.
 - I expect that in the June/July time frame that oyster gardeners will be getting their new oysters.
- Canal Water Quality Monitoring
 - Dave Wilson's group continues to do a fine job monitoring the water quality in the South Bethany canals.
 - No abnormalities have been reported. Dissolved oxygen has been high over the winter as it should be, but recently has been declining as expected with warmer weather
 - A slight macro algae cover is beginning to develop and is being monitored. Each week it appears to be getting worse. DNREC has been advised that we may need the harvester again. DNREC has responded and said that they would come down to South Bethany to assess the situation by the end of next week.
- West Side Storm Drains
 - Two check valves have been installed in storm drains on Bristol Drive. This should keep water off the road when the tide is high, but has not yet exceeded the bulkhead height.
- Sea Level Rise (SLR) and Storm Surge Adaptation
 - Jim Gross and George Junkin have been attending meetings of the DNREC Sea Level Rise Advisory Committee (SLRAC).

- Mayor Jankowski and Council Members Callaway and Junkin have attended SLR public information meetings.
- George Junkin attended a three day ***Climate Preparedness and Adaptation for Delaware Communities*** workshop March 26-28, 2013. The topics included
 - Climate Science
 - Risk and Vulnerability Assessment
 - Adaptation Planning
 - Climate Communication
 - Implementation
- The Town of South Bethany together with the URS Corporation has been awarded a DNREC Coastal Management Assistance Grant for Projects that seek to improve Delaware's resiliency to sea level rise and coastal storms. The Town will use this grant to obtain accurate elevation data for all bulkheads and roads that were flooded by Sandy. This will provide data that will be used for Cost Benefit Analyses and Hazard Mitigation Action Plans relative to Sea Level Rise and Storm Surge Adaptation.
- Bottom line is that SLR will probably be **greater** than 1.5 feet during the next 100 years. It rose more than 1.0 foot during the last 100 years. However storm surge, as demonstrated by Sandy, may be of greater concern.
- George Junkin is recommending that Council form a Sea Level Rise and Storm Surge Adaptation Committee so that this issue remains visible on the Council Agendas.

A motion was made by Councilman Junkin, seconded by Councilman Gross, that the Council create a Sea Level Rise and Storm Surge Adaptation Committee to review the kind of things that Councilman Junkin learned at the Climate Preparedness and Adaptation for Delaware Communities workshop. During discussion Councilman Junkin stated that he would volunteer to lead the committee. Mayor Jankowski called for a vote. The motion was unanimously carried. Councilman Gross said it is incumbent upon Council to plan a scope for this committee that does not infringe on the Planning Commission. Mayor Jankowski asked Councilman Junkin to bring something formal (Councilwoman Callaway suggested a mission statement) to the April Workshop Meeting.

- **Planning Commission** – Councilman Gross reported:

The Planning Commission met on April 5.

The Planning Commission is going to draft a vision and mission statement within 60 days.

The Planning Commission as a whole will be working on a new project regarding strategic planning.

The next Planning Commission meeting is scheduled for May 3 at 9:30 a.m. at Town Hall. Because of a discussion the Planning Commission had, Councilman Gross discussed FOIA requirements with the Town Manager regarding ad hoc or sub committees. The Town Manager advised that FOIA requirements apply to boards, commissions, committees, subcommittees, ad hoc committees, etc.

Councilman Gross read the following report from Chairman Oliver for last calendar year:

2012 Planning Commission Annual Report

The Planning Commission (PC) began the year by deciding to review cooperatively with Bethany Beach, establishing a town Wi-Fi site in furtherance to a recommendation in the Comprehensive Development Plan (CDP).

There was only one request for lot partitioning last year. It was approved at the January 11, 2012, meeting.

In June the PC decided to not further pursue establishing a Wi-Fi site for technical, legal and cost benefit reasons. This was formally reported to the Town Council by memorandum on June 12, 2012.

In August, after revision to both the Vision Statement and the body of the CDP, the five year review was forwarded to the Town Council for review.

In October, the Commission met and considered some recommendations made by member Kent Stephan. It was decided not to implement these proposals.

*Dick Oliver
3.19.13*

- **Charter and Code Committee** – Councilman Rae reported:

The Charter and Code Committee met on Monday, April 8, at 2 p.m. The main subject for the agenda was the review of the draft Ordinance 169-13 which Council approved tonight.

The next subject that the committee is going to work on is Chapter 145 Zoning. The committee is utilizing the priority list that was submitted to Council by the Code Enforcement Constable.

Mr. Cestone noted that the committee has to finalize Ordinance 168-13 of which Council has already had two readings. Councilman Gross said he will be working on this ordinance along with the committee and Council can review it at the next workshop.

- **Communications and Public Relations Committee** – In Councilman Damato's absence, Councilwoman Callaway reported:

The Communications and Public Relations Committee is making a lot of progress on updating and changing the www.southbethany.org.

Today was the kick-off meeting for the Bethany Beach 4th of July Parade float. The committee is looking for volunteers. Lori Cicero is chairing the float design and Barbara Sears is chairing the volunteers. This activity will be fun and will promote community spirit. The Town's Maintenance Supervisor will be pulling the float in the parade with the Town truck.

The committee is looking for a volunteer to chair the movie night. The committee has lots of helpers for this activity but needs someone to lead the activity.

Mayor Jankowski thanked Councilwoman Callaway for all of the work she has done on the Communications and Public Relations Committee.

ADJOURNMENT

A motion was made by Councilman Gross, seconded by Councilman Junkin, to adjourn the April 12, 2013, Town Council Regular Meeting at 8:50 p.m.