

TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES DECEMBER 15, 2011
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ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Pat Voveris, Al Rae, Sue Callaway, George Junkin, and Jim Gross; and Town Manager Melvin Cusick

MEETING CALLED TO ORDER

Mayor Headman called the December 15, 2011, Town Council Workshop Meeting to order at 5:00 p.m.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ALLIED WASTE

Mayor Headman introduced Glenn Kavanagh, Division Manager, and Don Groseclose, Municipal Manager for the Chesapeake Area who attended the meeting representing Allied Waste/Republic Services.

Mayor Headman stated that first Council would look at the Waste Services portion of the Town of South Bethany April 2011 Comprehensive Plan Community Survey – Presentations of Recommended Improvement Reports. Then Council will look at the schedules for yard waste, recycling, and trash collection.

- **Waste Services – Curbside Recycling, Trash Removal**

The Town Manager’s Written Report:

- **Curbside Recycling**

The curbside recycling average score of 4.20 place it solidly in the satisfied category. 84% of those who had an opinion were satisfied or very satisfied with the curbside recycling. There were 87 written comments.

- Approximately 37 of the comments concerned scheduling. Many respondents claimed that the schedule does not benefit “weekenders”. It is difficult to find a schedule that will please everyone particularly in a beach community with many nonresidents. The Council determines the schedule and can modify it as they see fit. This of course depends on the ability of the contractor to meet the schedule. If more pickups are scheduled, the cost would be passed on to the residents as recycling is a pass through cost.
- There were a few comments that stated recycling was unnecessary and was forced on residents. Some stated there should be a “central deposit area” rather than curbside pickup. The Universal Recycling Bill passed by the State of Delaware requires that the Town and/or its contractor furnish each residence with a recycling container and that recycling be provided at a minimum of every other week.
- There were some comments regarding missed pickups or not receiving a recycling cart. Any calls concerning this are passed on to the contractor and they have been very responsive. There were scheduling difficulties incurred during the exchange of carts from DWSA carts to the Allied Waste carts. The institution of the recycling program and the cart exchange required a large amount of staff time.

– **Trash Removal**

The trash removal average score of 4.51 placed it in the very satisfied category by 0.01 points. 96% of those who had an opinion were satisfied or very satisfied with the trash removal. There were 16 written comments.

- Many of the comments were favorable. A few comments referenced missed pickups. The Town relays all missed pickup complaints to the contractor. Depending on the time of day it is reported, the contractor will send a supervisor to pick up the trash that day or the following day. We have found the contractor to be very responsive to any complaints forwarded to them.

– **Yard Waste**

The yard waste service was not included in the survey since it was instituted after the survey was finalized. There were, however, 26 written comments.

- Curbside yard waste pick up was instituted in South Bethany last March. The Town was one of the first Towns to start such a program after the State of Delaware passed new laws prohibiting yard waste being comingled with household trash. The Town had no data on how much yard waste would be generated. Since the program has been running for nine months, hopefully enough data has been compiled that the program can be revised and improved. This will be a discussion item at the December Town Council Workshop meeting.

The Town Manager presented the following options regarding yard waste pickup with Allied Waste/Republic Services:

Option No. 1: March – November every other Wednesday: 20 pickups/.89 per pickup, \$17.80 per unit
Total Annual Cost Per Unit \$17.80.

Option No. 2: March – November – every other Wednesday: 20 pickups/.89 per pickup, \$17.80 per unit
December, January, February: 1 pickup per month/.89 per pickup, \$2.67 per unit
Total Annual Cost Per Unit \$20.47.

Option No. 3: Year round every other Wednesday: Total Annual Cost Per Unit \$21.24.

The Town Manager prepared the following:

Estimated Costs for Current Contractor: January \$1,550.00, February \$1,550.00, March \$1,550.00, April \$1,550.00, Total \$6,200.00

Allied Waste Estimated Costs (Option No. 2): January \$1,126.74, February \$1,126.74, March (2 pickups) \$2,253.48, Total \$4,506.96.

After discussion and input from the Allied Waste representatives, Council took the following actions:

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to go with Option No. 3 which makes the yard waste pickup year round every other Wednesday at an annual cost of \$21.24 to each property owner. The motion was adopted.

A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to do an addendum to the existing Allied Waste/Republic Services contract that will include yard waste. The motion was unanimously carried.

A motion was made by Councilman Rae, seconded by Councilwoman Voveris, that the Town go with Allied Waste for yard waste service and the pickup schedule will be every other Wednesday beginning January of 2012. The motion was unanimously carried.

A motion was made by Councilman Junkin, seconded by Councilman Gross, that trash collection be Monday and Friday during the months of May, June, July and August with yard waste collection on Wednesdays and recycling collection on Saturdays. The motion was adopted with a 6-1 vote. Councilwoman Voveris voted against the motion.

A motion was made by Councilman Junkin, seconded by Councilman Gross, that recycling will be Saturdays throughout the year. Councilman Fields stated that Allied Waste has to come back and give the Town a cost on the change in order to have a comparison. The motion was unanimously carried.

BUDGET AND FINANCE COMMITTEE REPORT (PAT VOVERIS)

- **Temporary Mercantile License**

Councilwoman Voveris stated that she had taken Council's comments back to the Budget and Finance Committee and the Budget and Finance Committee has revised their recommendation to the following: Allow one temporary mercantile license per year at a cost of \$30 for a 30-day period. If the person who buys the license decides within their 30 days that they want to purchase a full license, the Town will credit the amount of the temporary license cost to the purchase of the full mercantile license.

The Budget and Finance Committee does not think this will have any impact on the full mercantile license.

A motion was made by Councilwoman Callaway, seconded by Councilman Junkin, to approve the temporary mercantile license that will cover a 30-day period at a cost of \$30 with the option of crediting that \$30 toward the cost of a full mercantile license within the 30 day time frame.

Councilman Fields does not believe the full mercantile license should have to be purchased within the 30-day period in order to receive the \$30 credit. After discussion Councilman Fields made a motion to table this issue pending further review by the Budget and Finance Committee. Mayor Headman asked for a second on the motion. Hearing no second, Mayor Headman stated that the motion fails.

Mayor Headman called for a vote on Councilwoman Callaway's motion. The voting was as follows:

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

AGAINST THE MOTION: Councilpersons Fields and Gross

The motion carried with a 5-2 vote.

- **Auditing Services**

Councilwoman Voveris stated that the Town's current audit contract is going to expire and the Budget and Finance Committee is recommending that the Town go out for bid for the auditing services. After discussion, a motion was made by Councilman Junkin, seconded by Councilman Gross, that Council support the Budget and Finance Committee's recommendation to go out to bid for a three-year contract. The motion was unanimously carried.

TOWN OF SOUTH BETHANY APRIL 2011 COMPREHENSIVE PLAN COMMUNITY SURVEY – PRESENTATIONS OF RECOMMENDED IMPROVEMENT REPORTS

- **Snow Removal**

The Town Manager's written report:

The snow removal average score of 4.26 placed it solidly in the satisfied category. 90% of those that had an opinion were satisfied or very satisfied with the snow removal. There were 15 written comments. Many of the comments were very positive.

- Several of the comments referenced blocking of resident driveways when the street is plowed. There is no way to avoid this. All snow is pushed to the side of the street.
- One comment referenced snow removal not done in a timely manner on a particular street. The Town has 1 truck equipped with a snowplow. The Town attempts to clear all streets in a timely manner. When the old Beach Patrol truck is replaced, the Town will have 2 trucks equipped with snowplows which will allow more flexibility, particularly if one unit breaks down. In the past, we have had the one snow plow break down and while waiting for the part needed, had to hire a contractor to plow the streets. It is also difficult to find contractors during the storm as they have committed to other customers.
- One comment referenced using salt and sand. The Town does use salt at intersections when necessary. It is too costly to use salt on all streets and the resulting runoff will have a detrimental effect on the canals.

Comments in addition to the written report:

The Town Manager stated that he is requesting the replacement of the old beach patrol truck in the FY 2013 budget. He noted that it is time to replace the truck anyway – it is more than depreciated out. The new truck would be equipped with a plow (the old beach patrol truck is not equipped with a plow).

Councilman Rae stated that he believes South Bethany's snow removal has been far greater than any town in the area. Mayor Headman stated that it has been spectacular. For the record, Mayor Headman stated that Council is extremely pleased with what the Maintenance Supervisor did when it snowed. He worked odd hours and long hours.

Regarding the salt and sand comment, the Town Manager stated that you have to have traffic for road salt to work. He stated that road salt would not work on most streets in South Bethany because there is not enough traffic. He added that the Town has a spreader for the truck, and if the intersections are iced over for a long time, the Town will do a salt and sand mixture so people can stop at the intersection.

- **Street Maintenance**

The Town Manager's written report:

The street maintenance score of 4.14 placed it solidly in the satisfied category. 90% of those who had an opinion were satisfied or very satisfied with the street maintenance. There were 34 written comments.

- Many of the comments referenced Ocean Drive and the need for repaving. This project was completed in late April of this year at a cost of \$88,341.88. Municipal Street Aid (MSA) monies were used to fund this project.

- There were a few comments concerning sand on Ocean Drive. The new paved surface will make the roadway easier to keep clean as there is now a defined road edge. Also, the roadway was paved with a slight cross slope to allow rain to drain from the surface.
- There were some comments referencing pot holes and “man-made pot holes” or road cuts. The Town cannot stop utilities from using the public right of way to furnish these utilities to its residents. Within the last 2 years, the Town has implemented a Road Cut/ Road Bore permitting process. This sets standards for the road cut and the repair of the same and allows the Town to track all road cuts and/or road bores. It should be noted that several of the cuts referred to were for propane gas hookups. The valves are located close to the edge of the pavement and a bore will not work. The roadway has to be cut for this installation.

Mayor Headman stated that the emphasis on these reports should be that for each of these 90% of the responders were either satisfied or highly satisfied.

A motion was made by Councilman Fields, seconded by Councilman Gross, to go into Executive Session.

EXECUTIVE SESSION – PERSONNEL MATTERS (TOWN OFFICE STAFF)

Council went into Executive Session to discuss Personnel Matters (Town Office Staff).

RECONVENE WORKSHOP MEETING

A motion was made by Councilman Fields, seconded by Councilman Gross, to reconvene the Workshop meeting. The motion was adopted.

DISCUSSION OF A PROPOSED ORDINANCE TO CHANGE THE TERMS OF OFFICE FOR THE BOARD OF ADJUSTMENT MEMBERS (JOHN FIELDS)

Councilman Fields explained that he and Councilwoman Voveris are recommending that the Board of Adjustment terms be changed from four years to three years. Councilman Fields noted that Council has the authority to make this change based on state law.

A motion was made by Councilman Gross, seconded by Councilwoman Voveris, to approve the proposed ordinance to go for its first reading at the February Town Council Regular Meeting. The motion was adopted.

DISCUSSION OF ORDINANCE 159-11, TO AMEND CHAPTER 145, ZONING TO ALLOW PERMEABLE PAVERS WITHIN THE TOWN RIGHT-OF-WAY (JIM GROSS)

Councilman Gross reviewed the changes and revisions he made to Ordinance 159-11 since its second reading at the December 9, 2011, Town Council Regular Meeting. The changes and revisions included some suggestions made by the Town’s attorney. A motion was made by Councilman Gross to approve the revisions for the next reading. Councilman Junkin stated that he did not want to vote on the revisions until Council discussed the issue of how numbers were to be written in ordinances. Councilman Gross stated that the Town attorney’s responded to the Town that there is no legal requirement to include a number both numerically and spelled out in an ordinance. The Town Attorney did suggest that it would eliminate the possibilities of errors. Councilman Gross stated seven reasons why he believes it is a bad idea to include a number both numerically and spelled out in an ordinance.

After discussion, a motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to accept the new version of Ordinance 159-11 that Council received today from Councilman Gross as written (attached). The motion was unanimously carried.

Mayor Headman stated that Ordinance 159-11 will be ready for the third reading at the February Town Council Regular Meeting.

DISCUSSION OF ORDINANCE 160-11, TO AMEND CHAPTER 6, CONTRACTS AND BIDDING, TO INCREASE THE MONETARY AMOUNTS (PAT VOVERIS AND JOHN FIELDS)

Councilman Fields reviewed Ordinance 160-11 For 12/15/11 Workshop (attached). After discussion, a motion was made by Councilman Fields, seconded by Councilman Junkin, to go to the second reading of Ordinance 160-11 as presented at this Workshop Meeting. The motion was adopted.

YARD WASTE UPDATE

The Town Manager stated that he would make copies of the yard waste update and put them in Council's boxes.

A motion was made by Councilman Junkin, seconded by Councilman Gross, to go into Executive Session.

EXECUTIVE SESSION – PERSONNEL MATTERS (REVIEW OF EMPLOYEE HEALTHCARE PREMIUM)

Council went into an Executive Session to discuss personnel matters – review of employee healthcare premium.

RECONVENE WORKSHOP MEETING

A motion was made by Councilman Fields, seconded by Councilman Gross, to reconvene the Workshop Meeting.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADJOURNMENT

The December 15, 2011, Town Council Workshop Meeting was adjourned at 7:25 p.m.

phs:Workshop Minutes.12.15.11

Attachments: Ordinance 159-11 – Draft for 12/15/11 Workshop
Ordinance 160-11 – For 12/15/11 Workshop