

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES MAY 10, 2013
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MEETING CALLED TO ORDER

Mayor Jankowski called the May 10, 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 REMOTE ACCESS: Councilperson Mark Damato

PRESENTATION OF THE TOWN'S NEW WEBSITE DESIGN

Mayor Jankowski thanked everyone who has been working on the new website design. Mayor Jankowski stated that there is more work to be done, but she thinks it is an improvement for the Town. Mayor Jankowski is excited about using the website as one of the first tools that people will see if they have an interest in South Bethany.

Because Councilwoman Callaway has been leading the effort for the new website design, Mayor Jankowski asked her to give the presentation of the new website design. Councilwoman Callaway said the new website was designed to visually portray the assets that South Bethany has in order to attract people who are looking for a beach town to visit and to continue to provide good information to South Bethany property owners.

Councilwoman Callaway thanked the Administrative Assistant for the work she has done on this project. Councilwoman Callaway also thanked Coastal Images Inc. (Beach-net) who designed and hosts South Bethany's website.

The new website design was projected on the big screen. Councilwoman Callaway pointed out the following features:

- Revolving photos on the Home page (George Rosenberg and Carol Stevenson have volunteered to continue taking photographs in order to have fresh new pictures in the slide show.)
- The following three "buttons" above "Welcome to the Town of South Bethany":
 - ✚ **Property Owner Information**
 - ✚ **About South Bethany** - This will take you to the Welcome to South Bethany, Delaware video and the following marketing materials that the Communications and Public Relations Committee prepared and designed:
 - Your Guide to a South Bethany Vacation
 - Map of South Bethany
 - Planning Your Next Vacation – Picture Yourself Happy at South Bethany
 - Five Things You May Not Know About South Bethany
 - ✚ **Welcome to South Bethany Video**

- The links down the left side of the website have been trimmed down. Also, the following three drop down menus have been created:
 - ✚ **Town Government**
 - Administrative Staff
 - Beach Patrol
 - Mayor and Council
 - Police Department
 - ✚ **Emergency/Flood/Hurricane Information**
 - Emergency Information
 - Hurricane Information
 - Flood Protection Information
 - ✚ **Boards/Committees** (Councilwoman Callaway noted that coming in June each committee page will include a purpose and an understanding of what the committee is about and there will be different tabs to click on in order to bring up committee minutes, agendas, updates, committee members, volunteers, etc.)
 - Board of Adjustment
 - Budget & Finance
 - Canal Water Quality
 - Charter and Code
 - Communications and Public Relations
 - Community Enhancement
 - Planning Commission
- The Calendar of Events page is now an actual calendar.
- The Town's Vision Statement is at the bottom of the Home page.
- "More Smiles to the Mile" tagline – this was developed by Councilwoman Voveris' graphic designer.
- News & Events sunburst on the Home page – Current news and events will be posted here.

Positive feedback was received from those in attendance at the meeting and from Council Members.

Councilman Gross suggested that it would be useful to post the weather on the website. A discussion ensued around whether or not weather specific to South Bethany could be displayed. Councilwoman Callaway stated that the Home page is getting a little crowded, but it is something to think about doing.

Mayor Jankowski thanked the Administrative Assistant, Councilwoman Voveris, Councilman Damato, and Councilwoman Callaway. Mayor Jankowski stated that the Communications and Public Relations team would be open to suggestions.

PROPERTY OWNERS' PARTICIPATION

- Mike Matera (311 W. 9th St.) – Asked Council's opinion on the best day to have the community yard sale - Saturday, May 25 (Memorial Day weekend) or Saturday, June 1 (the day of the Bull Roast). Council's opinion was to have the yard sale on Saturday, May 25.
- George Junkin (8 S. 4th St.) – Promoted the South Bethany Historical Society and the Smithsonian Traveling Exhibit, The Way We Worked. The exhibit begins May 18 and will continue through June 23 at the Ocean View Town Hall (32 West Ave.) on Fridays, Saturdays, and Sundays from 10 a.m. to 3 p.m. On May 30 at 7 p.m. at the South Coastal Library there will be a program titled Farmers, Lifesavers and Miners: Work from 1850s to 1950s. On June 13 at 7 p.m. at the South Coastal Library there will be a program titled The Bay Bridge Grows Tourism: Work after 1950s.

- Mike Matera (311 W. 9th St.) – Asked what the Town is going to do with the propane tanks and pilings that are near the SBPOA's shed. The Town Manager stated that they are from the storm (Hurricane Sandy). The Town Manager said that the Town has been letting anyone who wants the pilings to take them. The Maintenance Supervisor is working with someone to pick up the propane tanks.

Mr. Matera asked if there is a new rule about opening the front of the trash bins. Councilman Junkin stated that a recycle person has told a homeowner that Allied Waste will not take the recycle cart out of the bin if there is a gate on the bin. South Bethany property owner Mary McNeice said a recycle person told her husband they would not roll the recycle cart out if the bin had a gate on it. The Town Manager said that he will clarify this with Allied Waste.

The Town Manager said the Code Enforcement Constable is putting notices on the recycling cans if the cans are left at curbside.

Councilman Gross asked the Town Manager to remind Allied Waste to put the cans back where they got them from. Councilman Gross said they are leaving them out in the right-of-way again.

Mr. Matera asked what the Town is going to do with the paint cans that are back by the shed. The Town Manager stated that the Town disposed of a lot of the paint cans from the storm, but maybe some more have been brought back there. The Town Manager will look into it.

LEADERSHIP REPORTS

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

Mayor Jankowski read the following letter from the Bethany Beach Volunteer Fire Company to the Town of South Bethany: On behalf of the Bethany Beach Volunteer Fire Company and the Board of Directors, please accept our heartfelt gratitude for your generous donation of \$2,000. It is through donations such as yours that the fire company is able to protect and serve our fine community. We appreciate and respect the great relationship we have with the Town of South Bethany and your continued support is important to us. Please extend our sincere appreciation to Mayor Jankowski, the Town Council, and to the residents of South Bethany. Thank you. Sincerely, Stephen R. Lett, President

Mayor Jankowski and Planning Commission Chairman Dick Oliver attended the University of Delaware's IPA workshop "Master Planning in Delaware" – Planning 205.

There will be a Rt. 26 Working Group meeting on May 20. Mayor Jankowski will continue to participate in those meetings and will send out a News Update regarding this.

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

The Ambulance Service Report and the Code Enforcement Constable's Report were available on the sign-in table.

The Bethany Beach Volunteer Fire Company EMS Open House is tomorrow, May 11, from 10 a.m. to 2 p.m. The public is invited.

A notice was available on the sign-in table regarding sewer renovation on Petherton Dr., Brandywine Dr., Henlopen Dr., and New Castle Dr. the weeks of April 30 and May 6. The Town Manager stated that it is his understanding that the contractor put the notice on each door of the residences on those streets, but apparently some people did not get the notice.

The Town has received or will be receiving the following reimbursements from FEMA regarding Hurricane Sandy: 1) \$5,294.87 for Storm Preparation; 2) \$37,483.14 for Debris Removal; and 3) \$7,026.65 for Labor, Miscellaneous, and Administration. Essentially the Town will get 75% of its expenditures back from the hurricane damage (this includes Christmas lights).

- **Treasurer’s Report**—Pat Voveris reported as of April 30, 2013:

TOTAL OF FUND BALANCES

Fund Balances March 31, 2013	\$ 1,930,090
April Revenue	58,372
April Disbursements	<u>159,733</u>
Fund Balances April 30, 2013	<u>\$ 1,828,689</u>

FISCAL 2013 YEAR-TO-DATE REVENUE AND EXPENDITURE

Total Revenue	\$ 2,408,502
Total Expenditures	<u>2,135,737</u>
Year-To-Date Revenue in excess of Expenditures	<u>\$ 272,764</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>2,408,502</u>	<u>116%</u>
<u>Expenditures</u>			
G&A	\$ 507,800	\$ 525,855	104%
Public Works	186,157	168,362	90%
Public Safety	609,547	594,524	98%
Beach Patrol	214,868	217,664	101%
Total Departmental Expenses	<u>1,518,372</u>	<u>1,506,405</u>	<u>99%</u>
All Others (e.g.- Grants, ARM, etc.)	<u>562,329</u>	<u>629,332</u>	<u>112%</u>
Total Expenditures	<u>\$ 2,080,701</u>	<u>\$ 2,135,737</u>	<u>103%</u>

Our town's financial results have finished with a surplus against our Operating Budget, greater than shown here, as we await \$ 37,483.14 reimbursement for Hurricane Sandy.

HIGHLIGHTS ON REVENUE

- Transfer Taxes - In April we collected \$7,946 or 57% less than the same month last year. This April represents the smallest April revenue in the last 6 years. Year-to-date overall revenue is ahead by 78% over last year. The Town budgeted \$225,000 for FY 2013 and has surpassed this number by 63% in our budget cycle.
- Rental Tax Revenue - Collections year-to-date are \$520,406 or 104% of budget. Compared to FY 2012, we've collected \$30,563 more revenue. Our current YTD revenue is the highest of the last 6 years. This April is the first with rental revenue in the last 6 years.
- Rental Licenses - Collections YTD are \$42,052. We budgeted \$28,000, and finished at 150% of budget.

HIGHLIGHTS ON EXPENDITURES

- Nothing material to report

- **Police Department Report/Questions**—PFC Patrick Wiley reported for the month of April, 2013:
 - 07 Apr:** Officer responded to a residence on Division St. in ref. to a disorderly conduct/terroristic threatening complaint. The victim stated an unknown male threw his personal trash in the victim's dumpster and when the victim told the individual to remove the trash, the individual became disorderly and threatened to "knock the victim over." The investigating officer located the unknown suspect and informed him he could not dump his trash illegally. The victim did not want to press charges.
 - 14 Apr:** Officer responded to a residence on Mays Way in ref. to a verbal domestic incident between a male and a female. Both individuals were intoxicated but there were no injuries. The female left the residence for the evening without incident.
 - 27 Apr:** Officer assisted a Bethany Beach Police Department Officer with a DUI traffic stop. He assisted the Bethany Beach officer by waiting for the tow truck and transporting two female passengers that were in the vehicle that had been stopped at the Bethany Beach Police Station.
 - 30 Apr:** Officer responded to a residence on Anchorage Dr. for a medical assistance call. The female victim stated she accidentally cut herself on the wrist while cutting pork chops. The officer provided first aid for the victim until EMS personnel arrived on scene.

Officers responded to a total of four false residential security alarms during the month of April.

ORDINANCES/RESOLUTIONS

- **Third Reading of Ordinance 168-13, to Amend Chapter 104, Property Maintenance, Article III, "General Provisions", to Clarify Property Owner Responsibility for Property Maintenance (Jim Gross)**

Councilman Gross reviewed the third reading of Ordinance 168-13. Council agreed to the following changes:

§ 104-17: Change **"ground level decks and walkways, mailboxes"** to **"decks, walkways, mailboxes"**.

§ 104-19A: Change **"10 business days"** to **"a reasonable time limit not to exceed 30 calendar days"**.

§ 104-19A, Last sentence: Change **"owners"** to **"owner"** in both places.

§ 104-19C: Change the first **"10 business days"** to **"a reasonable time not to exceed 30 calendar days"**. Change the second **"10 business days"** to **"30 calendar days"**.

Page 4, Second Line: Delete **"penalty and"**.

§104-19D First sentence: Change **"10 business days"** to **"30 calendar days"**.

§ 104-19D Last sentence: Change **"10 business days"** to **"a reasonable time limit not to exceed 30 calendar days"**.

Mayor Jankowski declared this the third reading of Ordinance 168-13.

A motion was made by Councilman Gross, seconded by Councilwoman Callaway, to approve Ordinance 168-13 as amended at the third reading. Mayor Jankowski asked for a roll call. The voting was as follows:

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

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

Councilman Gross mentioned that Chapter 104 Property Maintenance still needs attention, and he is particularly troubled by the fact that the Town can't ask people to cut invasive weeds on the ocean side of Ocean Drive. Councilman Gross requested that the Town ask someone from DNREC to meet with Council to perhaps find a solution to allow the Town to enforce property owners to cut invasive weeds.

- **Resolution 4-13, a Resolution to Revise South Bethany's Schedule of Fees (Pat Voveris)**

Councilwoman Voveris thanked the Code Enforcement Constable, Town Manager, and Administrative Assistant for their work and guidance on this resolution. Councilwoman Voveris read Resolution 4-13.

A motion was made by Councilman Junkin, seconded by Councilman Damato, to accept Resolution 4-13. A motion was made by Councilman Gross, seconded by Councilman Rae, to amend this motion by striking from the resolution "Whereas, the Town of South Bethany's current fees are substantially lower than similar nearby towns; and". During discussion Councilman Gross stated that this sentence is not true in some cases. Mayor Jankowski asked for a roll call. The voting was as follows:

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

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

Councilman Gross said he wants to discuss the Schedule of Fees further at another meeting to make it more consistent, useable, and understandable. Also he believes the Town overcharges for some things and undercharges for other things. Councilman Gross would like to take on this with the assistance of others and the Code Enforcement Constable. Councilwoman Voveris suggested that the Budget and Finance Committee look at it. After discussion Mayor Jankowski asked Councilman Gross to lead the effort on this as a starting point and present it at a workshop meeting and then Council will decide where to go from there.

ADMINISTRATIVE MATTERS – DISCUSSION AND POSSIBLE VOTE TO ESTABLISH THE SEA LEVEL RISE (SLR) AND STORM SURGE (SS) ADAPTATION COMMITTEE (GEORGE JUNKIN)

Council Members had a copy of the following mission statement and plan which was submitted by Councilman Junkin:

**Sea Level Rise (SLR) and Storm Surge (SS) Adaptation Committee
SLR & SS Adaptation Committee**

Mission Statement

Given the increasing information about future concerns that coastal communities like South Bethany may face from Sea Level Rise and Storm Surge, as demonstrated by Hurricane Sandy in October 2013, the SLR & SS Adaptation Committee will:

- Conduct a SLR & SS Vulnerability Assessment that will identify homes, infrastructure and community spaces that may be at risk for SRL & SS;
- Gather relevant data and expertise to understand the possible hazards and costs associated with SLR & SS;
- Identify potential adaptation options;
- Evaluate adaptation options;
- Recommend adaptation options;
- Develop a proactive reasonable response based on information and research;

with the overall goal being the future protection of both the property owners' and the Town's assets.

Plan

- Recruit committee members with interest, expertise and communication skills related to SLR & SS. Jim Gross has already volunteered.
- Survey homeowners to determine the cost of damages sustained during Hurricane Sandy.
- Use elevation data for roads, catch basins and bulkheads, national and state SLR studies to assess risks due to SLR & SS.
- Review building and zoning code looking for opportunities to adapt to SLR & SS.
- Identify potential adaptation options.
- Evaluate potential adaptation options (Cost Benefit Analyses).
- Develop outreach and educational material particularly focused on cultural acceptance for changes related to home building and retrofits required to adapt to SLR & SS concerns.
- Survey homeowners to obtain opinions relative to adaptation options.
- Select adaptation options for submission to Town Council.
- Develop information for the Planning Commission so that the PC and Town Council may incorporate planning issues related to SLR & SS concerns into the Town's comprehensive plan.
- Develop information for the Charter & Code Committee so that the CCC and Town Council may incorporate changes related to SLR & SS issues into the building and zoning codes.
- Develop information to improve the Town's level of participation in the Community Rating System (CRS).

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council establish a Sea Level Rise and Storm Surge Adaptation Committee with the stated Mission Statement and Plan submitted by Councilman Junkin. Mayor Jankowski asked for discussion. There was no discussion. Mayor Jankowski asked for a roll call. The voting was as follows:

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

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

During discussion Councilman Junkin stated that he is hoping to have five to seven people on the committee. Mayor Jankowski thanked Councilman Junkin for bringing this forward.

COMMITTEE REPORTS

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

Following up from a previous Town Council Regular Meeting, Councilman Rae reported that the cost of the Assawoman Canal Trail Project Phase 1, which is north of the Rt. 26 bridge in Ocean View, is \$244,500. The contract for the project is with Becker Morgan Group. There was nothing new to report on the Assawoman Canal Trail.

Following up on dredging issues at the south entranceway to the Assawoman Canal, Councilman Rae said he has talked to DNREC's program manager for this project, Chuck Williams, on April 23 and he said they would send a team to investigate and take readings. They will let Councilman Rae know the results. This could take a month.

Councilman Rae sent an email to DNREC on May 6 to bring it to their attention that there are some trees starting to come down in the canal south of the Jefferson Bridge and on the north side there are some trees that are actually in the canal. Councilman Rae has asked if they could clear that before it gets any worse.

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

Earth Day Celebration – Councilwoman Callaway thanked the Maintenance Department, Kent and Bobbe Stephan, Carol Stevenson, and Mayor Jankowski for their support on April 22 in landscaping the town-owned canal end on York Rd. between Boone Rd. and Carlisle Dr.

The final annual plantings along Rt. 1 will hopefully be done next week. Due to the weather, Lord's Landscaping is a little behind in the plantings.

The new Town Hall directional sign is at the printers being made.

Ocean Drive Alternative Lighting Update – Currently there are two sample alternative lights on Ocean Drive. One is a free standing lamp post that is solar powered. Councilwoman Callaway stated that it looks okay but it is not projecting too much light. The other light is the top of a lamp post that is taped to the pole (temporarily). Councilwoman Voveris has secured a surround for the light near her house to direct the light to the street and away from the house nearby. Councilwoman Callaway said it is an ongoing process for lighting. Councilman Gross asked when the experiment ends. Councilwoman Callaway said she would like the experiment to go through the summer in order to get feedback from many people.

At the last Community Enhancement Committee Meeting the committee discussed a proposal by Kent Stephan regarding decorative painted power poles. Before presenting the idea to Council, the committee is checking with Delmarva Power to see if they would allow this.

Adopt-A-Canal/Road-End Program – The committee has five adoptions that are in the works and the committee is meeting next weekend with a new adoptee.

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

Due to lack of a quorum, the May 10, 2013, Budget and Finance Committee Meeting has been rescheduled to May 31, 2013.

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

The diffusers were installed in the Petherton Canal about two weeks ago. Councilman Junkin, Frank McNeice, and Jay Headman monitored the DO in the Petherton Canal at 14 spots (at each diffuser, between each diffuser, and at a couple of spots at the west end where there are no diffusers) at both 1 foot deep and 3 feet deep. It showed that the diffusers are stirring up the water. Deep measurements (3 feet deep) usually come out lower than surface measurements (1 foot deep), however along the entire Petherton Canal the deep measurement and the surface measurement were essentially the same. There was a great disparity in the deep measurement and the surface measurement in the Brandywine Canal (the control canal). The test has only been done once, therefore Councilman Junkin is not ready to make any conclusions on whether the diffusers are doing what they are supposed to do or not. The only thing he can determine with the data he has is that the diffusers are mixing the water.

The next Canal Water Quality Committee meeting is scheduled for May 24, 2013, at 10 a.m. at Town Hall. All are welcome to attend.

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

The Planning Commission met a couple of weeks ago and got started on the Strategic Planning Project. They have developed the framework for the development of the Vision Statement. The individual members have put together material based upon an outline that Joe Conway had put together. Those were reviewed, added to, and deleted. Linda Lewis is compiling those. There has been discussion and agreement about the need for the Strategic Planning Project to fit with the Comprehensive Plan.

The next Planning Commission meeting is scheduled for May 31, 2013.

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

There was nothing new to report.

After discussion it was agreed that the committee should meet before the Code Enforcement Constable leaves to go over the list of code revision items.

- **Communications and Public Relations Committee** – Councilwoman Callaway reported:

The float committee for the Bethany Beach 4th of July Parade has met three times. Lori Cicero is the design leader. A couple of new people joined the committee this week. The committee is having fun and anyone that wants to join is welcomed. Float meeting dates and times will be posted on the Town's website.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilman Gross, to adjourn the May 10, 2013, Town Council Regular Meeting at 8:30 p.m. The motion was unanimously carried.