

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES APRIL 8, 2011</b>
---

**ATTENDANCE**

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Bob Cestone, Tim Saxton, Sue Callaway, George Junkin, and Jim Gross; Town Manager Melvin Cusick; Chief Joe Deloach; Financial Administrator Renee McDorman; and Administrative Assistant Pam Smith

**MEETING CALLED TO ORDER**

Mayor Headman called the April 8, 2011, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

Mayor Headman stated that under Agenda Item VI, Administrative Matters, the order will be changed. Council will discuss Item B and then Item A.

**PROPERTY OWNERS' PARTICIPATION**

- Barbara Jayne (1 S. 7<sup>th</sup> St.) – Stated that for some of the employees the 2.5 percent pay increase for the staff does not cover the amount of money they are going to have to pay for insurance. Ms. Jayne thinks that is a crime.
- Bonnie Lambertson (324 York Rd.) – Agrees with Ms. Jayne.

Regarding beautification, Ms. Lambertson stated that a few years ago the Town hired a landscape architect to plan beautification for the Town. The landscape architect was very much in favor of native plants. At that time, the Council voted to do the plan in three different phases at a cost of \$20,000 per year. The Town completed two years of the plan. Referring to the election after Council raised taxes, Ms. Lambertson stated that Mr. Saxton particularly wanted Council to eliminate any bit of money for beautification and Council pretty much did that. Referring to plants that were ripped out this year (perennials and some native plants and grasses), Ms. Lambertson went on record saying that she believes \$40,000 was wasted three and four years ago. Ms. Lambertson also stated that Crepe Myrtles are not native plants. Councilwoman Callaway replied that the Beautification Committee had been working on a long term strategy since the fall. The proposed plan was announced to the community at every meeting where beautification issues were discussed. The Beautification Committee consulted with representatives of DelDOT and Sue Barton, a highway beautification expert from the University of Delaware. Ms. Barton recommended two types of trees: Crepe Myrtles and Sweetbay Magnolias. The Committee elected to go with the Crepe Myrtle tree. During a drive through on the median strip, the Committee consulted with Ms. Barton about what should be removed, what could be removed, and the kind of design plan that she thought would be best for the median. The Committee looked at other highway designs. The Committee went along with Ms. Barton's advice. Ms. Lambertson inquired why the Committee did not continue with the plan from a few years ago. Councilwoman Callaway stated that she is not familiar with that plan and it was never presented to her or to the Committee. Councilwoman Callaway asked Dian Nazarian if she could address this. Ms. Nazarian said that the plan has been up for about two years. Ms. Lambertson stated that it was stopped after two years and was never finished. Ms. Nazarian agreed and said there was no money. Ms. Nazarian stated that most of the plants that were taken up were the original old plants – particularly the shrubs.

- Oskar Egger (206 Russell Rd.) – Asked what the difference is between the employees salary increase and what the employees will have to pay for medical. Mr. Egger stated that he does not think the salary increase is sufficient to take care of giving the employees a token of appreciation. Councilman Saxton stated that he does not have that figure off the top of his head but he can get it for Mr. Egger. Councilman Saxton commented that employees on the family plan were paying on the family plan all along. The Town did not go from 0 to some number. Councilman Saxton stated that he understands there may be a few employees whose salary increase may not cover the five percent. Councilman Saxton said that could happen no matter how the Town did it. He stated that the recommendation came out of the Budget and Finance Committee to help the Town curtail health care costs going forward over the long term. Councilman Saxton believes this decision should have been made when Council tried to raise taxes 154% - not today. Councilman Saxton believes the Town is still making up for the issues that were caused back then. He does not believe wages in today's economy are keeping up for most people. Councilman Saxton stated the Town Council did it in a manner that they believed was least costly to the employee. Councilman Saxton said proposals were put forth to the Town Council in Executive Session and were turned down. Councilman Saxton concluded saying, "I am going to be very honest, I am a bit tired of hearing from select individuals from the public that it is me going after these people, and it is not."
- Mike Matera (303 W. 9<sup>th</sup> St.) – Read in the papers and heard that the Town was going to put the wires underground and it is going to cost each property owner \$7,000. Mayor Headman said that question was going to be on the Town Survey but was taken off because of questions about what the cost would be and what the implications would be for the people in town.
- Tom Roche (141 Henlopen Dr.) – Believes it is unfair that the recent Town Survey only allowed for one vote per household. Mr. Roche believes that everybody that is allowed to vote in the Town election should be allowed to vote in a survey that asks for input from the entire South Bethany community. Mayor Headman said Council understands the issue and discussed the issue. Council decided to do it the same as it had been done before. He added that it doesn't mean that is the way it will always be.
- Barbara Jayne (1 S. 7<sup>th</sup> St.) – Addressing Councilman Saxton, Ms. Jayne stated that she is sorry he is taking this personally, but she is an advocate of the staff. She believes South Bethany has the finest staff in Delaware and she wants to see them treated fairly. She does not believe they have been, and she will continue to put this forward at every Council meeting. Councilman Saxton said that is fair enough, but difficult decisions are difficult decisions. He stated that this is not an issue of fairness. Councilman Saxton said he is not going to argue with Ms. Jayne's comments around the staff. Ms. Jayne stated that she thinks it is hurtful when money is spent on other things that she believes was wasted regarding beautification and spending \$32,000 on the reversion clause. Councilman Saxton stated that there are a lot of tough decisions Council has to make – right, wrong, or indifferent – but there are things you have to do for the Town and there are things you have to do for the Town personnel.
- Ed Nazarian (20 Peterson Dr.) – Inquired how the contractor for yard waste pickup is being monitored and suggested that the contractor be put on a flat rate once a month. The Town Manager said he thinks the Town needs to give it a little more time having only had one pickup so far. He said the Town does monitor what the contractor picks up. He added that the Council is going to revisit the issue after the Town has some history with the issue. Mayor Headman stated that this is the first attempt, and the Town is trying to figure out the best way. He stated that Council is pleased with the work the Town Manager did to get it going and complimented the Town Manager for getting it started in a short period of time. South Bethany is one of the few towns that has yard waste pickup at this time.

- Mike Matera (303 W. 9<sup>th</sup> St.) – Asked if yard waste can be put in cardboard boxes. The Town Manager said as long as the contractor can tell that it is yard waste.
- Ed Nazarian (20 Peterson Dr.) – Believes the Town should eliminate the third trash pickup during the summertime. Mr. Nazarian suggested that if the Town has to have a third pickup, the property owners who rent their property should pay for that extra pickup as opposed to property owners who have deleted so much of their trash and don't need the third pickup. Mayor Headman stated that when Council discussed this issue in order to make savings, one thing Council did not want to have was a dirty town. It was discussed that three trash pickups a week is an important thing for a lot of people. He added that Council will continue looking at the issue.

### **ADOPTION OF MINUTES**

- **Town Council Budget Workshop Meeting Minutes, March 24, 2011** – A motion was made by Councilman Fields, seconded by Councilwoman Callaway, to accept the March 24, 2011, Town Council Budget Workshop Meeting Minutes. The motion was adopted.

### **LEADERSHIP REPORTS**

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

Attended a meeting of the Southern Delaware Cable Consortium regarding Mediacom and received information from the group's lawyer which the Council needs to discuss.

Attended the BBVFC Ambulance Service Sponsors Meeting.

The South Bethany Property Owners Association and the Town of South Bethany are putting together a "Welcome to South Bethany Packet" that will be distributed to new families in South Bethany. The Women's Club will be helping with this project.

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

The Town has received a matching grant in the amount of \$31,500 to purchase 15 Mobi-Mats for the beach crossovers. The Mobi-Mats should be in place by Memorial Day.

- **Treasurer's Report**—Tim Saxton reported as of March 31, 2011:

Balance Brought Forward	\$ 1,666,534
March Revenue	\$ 102,252
March Disbursements	\$ 154,505
Balance	\$ 1,614,281

Expenses continue to go exactly as expected for this time of year. Councilman Saxton believes realty transfer tax revenue will be better than anticipated. Houses are selling in South Bethany.

- **Police Department Report/Questions**—Chief Joe Deloach reported for the month of March, 2011:

March 1 Theft on Rebecca Drive. Unknown subjects removed funds from the victim's bank account. The bank has investigated and the investigation is settled. The funds have been returned to the bank.

March 3 Violation of local code on Carlisle Dr. Construction during prohibited hours. The site was shut down by police and turned over to the building inspector.

- March 7 Open window on S. Ocean Dr. The owner was contacted.
- March 8 Parking complaint on Carlisle Dr. at a construction site. Vehicles were moved by the police.
- March 8 Agency assist, Dagsboro Police Department, with a DUI stop.
- March 9 Alarm on N. 5<sup>th</sup> St. Residence was checked and found to be secure. False alarm.
- March 13 Alarm on S. Anchorage Dr. Residence was checked and found to be secure. False alarm.
- March 16 Open door on W. 10<sup>th</sup> St. Neighborhood watch notified police and the residence was checked. The owner was notified and the house was found to be secure.
- March 22 Alarm on Petherton Dr. The residence was checked and found to be secure.
- March 23 Agency assist – house fire on New Castle Dr. The Fire Marshall is investigating. Councilman Cestone asked if it was determined what the cause was. Mayor Headman stated that he contacted the Assistant Fire Marshall in charge of investigations. The following is "**unofficial**" information:
- The fire on Elizabeth Way was a damaged car pulled under a house. The car caught fire and then the house caught fire.
  - The cause of the fire on the ocean side was due to heat lamps.
  - The third fire had something to do with electrical.

Mayor Headman stated that the Fire Marshall made it very clear that the fires were not of criminal nature. Councilman Gross asked if the Town would be given a report once the investigation is complete. Mayor Headman stated that when the investigation is done he imagines the Town could get that report.

Chief Deloach announced that the Bethany Fenwick Chamber of Commerce 22<sup>nd</sup> Ocean to Bay Bike Tour is Saturday, April 16, 2011, from 7 a.m. to 1 p.m. They have a record breaking 1200 cyclists from all over the country. The route begins in Bethany Beach to Jefferson Bridge to Selbyville, Frankford, Ocean View and back to Bethany Beach. The route does not go through South Bethany. Please use caution if you are out driving at this time. There will be a lot of bicycles.

Mr. Matera asked how the new police officer is making out. Chief Deloach said great. He added that Ptlmn. Wiley is fluent in Spanish which has been useful when working with a lot of the builders. Chief Deloach said he is a great asset to the Police Department.

### **ORDINANCES/RESOLUTIONS**

- **Resolution No. 4-11, A Resolution to Set the FY 2012 Property Tax Rate and Rental Tax Rate**

Motion: A motion was made by Councilman Fields, seconded by Councilman Cestone, that the Council approve Resolution No. 4-11.

Discussion: Councilman Saxton stated that in his opinion Council is out of order on how it is handling this. He believes Council should deal with Bid No. 11-05 Ocean Drive Paving first because it has an affect on Resolution No. 4-11 and the FY 2012 Budget. Because information came in very late (referring to Bid No. 11-05), Councilman Saxton will not ask Council Members to change their thoughts on this resolution. Councilman Saxton did request

that this Town Council or the next Town Council consider a tax rebate near the end of the next fiscal year. Councilman Saxton feels that Council has asked the tax payers of South Bethany to contribute \$235,000 a year to help get the Town through this period. He feels the tax payers have been gracious and willing to do that. Councilman Saxton thought there may be a way that Council could offset that a little.

The voting on the motion was as follows:

FOR THE MOTION: Mayor Headman and Councilpersons Fields, Cestone, Saxton, Callaway, Junkin, and Gross

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

### **ADMINISTRATIVE MATTERS**

- **Discussion and Possible Award of Bid No. 11-05 Ocean Drive Paving**

Mayor Headman stated that the Council felt it would be smart and appropriate to go out for a bid for the paving of Ocean Drive in this down economy. Mayor Headman thanked the Town Manager for the work he did to get the bid out and said it looks like it is going to save the Town a lot of money.

The Town Manger stated that the bids were opened on Tuesday, April 5, 2011, at 10 a.m. There were three bids that were opened at the bid opening. A fourth bid, which was received by email, was rejected because it was not received in a sealed envelope. The Town Manager's recommendation to the Council is to award Bid No. 11-05 to the low bidder, Del-Mar-Va Paving Co., Inc.

Motion: A motion was made by Councilman Fields, seconded by Councilman Cestone, that the Council award Bid No. 11-05, the repaving of Ocean Drive, to Del-Mar-Va Paving Company.

Discussion: Councilman Fields asked if the two-year warranty covers damage to Ocean Drive caused by a contractor in town using heavy equipment. The Town Manager said no, the Town would hold the contractor using the heavy equipment responsible for the damage. The two-year warranty covers problems with the asphalt work itself.

The voting on the motion was as follows:

FOR THE MOTION: Mayor Headman and Councilpersons Fields, Cestone, Saxton, Callaway, Junkin, and Gross

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

Mayor Headman asked when the work would begin. The Town Manager said in the bid documents the project time schedule is April 15 to May 13. The contractor hopes to get the project done by the end of April because they expect another large increase in liquid asphalt prices May 1.

Mr. Nazarian asked if the road would be made wider than it presently is. The Town Manager stated that currently the width varies on Ocean Drive from 16, 17, 18, 19, or 20 feet. The

goal is to get a 20 foot wide road width, which is the maximum the Town can get on Ocean Drive.

Because the Town is close to two fiscal years, Councilman Saxton asked what the payment terms are. The Town Manager said it depends on when the bill comes in, but he believes the Town will not get a bill until after May 1. Councilman Saxton stated that he does not think it matters and that his recommendation is to take it out of MSA.

- **Discussion of Resolution No. 3-11**

A motion was made by Councilman Cestone, seconded by Councilman Fields, to rescind Resolution No. 3-11, A Resolution to Schedule a Public Hearing to Give Notice to the Voters of the Town of South Bethany that the Town Council proposes to Make Pavement Improvements to Ocean Drive that exceeds \$100,000.00. The motion was unanimously carried.

- **Approval of FY 2012 Budget**

Mayor Headman thanked the Town Staff, specifically the Town Manager and the Financial Administrator, for the work they did regarding the budget. He thanked the Budget and Finance Committee chaired by Councilman Saxton for their work. He also thanked the Town Council for their work during the budget process.

Motion: A motion was made by Councilman Saxton, seconded by Councilman Fields, to approve the FY 2012 Budget.

Discussion: Councilman Gross asked the Treasurer to discuss what Council will do with the savings from the paving of Ocean Drive. Councilman Saxton said the Budget and Finance Committee will discuss how to allocate those funds at the May 13, 2011, Budget and Finance Committee Meeting and then bring their recommendation to the Council.

The voting on the motion was as follows:

FOR THE MOTION: Mayor Headman and Councilpersons Fields, Cestone, Saxton, Callaway, Junkin, and Gross

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

## **COMMITTEE REPORTS**

- **Beautification Committee** – Councilwoman Callaway reported:

The Beautification Committee met on March 24, 2011, and spent the majority of the time reviewing plant selections for the rain garden beds that have been developed on the Route 1 median based on information from Sue Barton of the University of Delaware, DeIDOT, and Rick Gentile, a landscape consultant. Councilwoman Callaway stated that she and Councilman Junkin have worked together so that decisions made regarding beautification also focused on helping to improve the water quality. Retaining and managing stormwater runoff is an important aspect of improving the quality of the water in the canals. The Maintenance Supervisor and his crew worked on developing rain garden beds in two existing beds. Nine Crepe Myrtle trees were planted in the rain garden beds across from York Beach Mall and eleven Crepe Myrtle trees were planted across from Sussex Pl. and S. 5<sup>th</sup> St. The grasses have been planted in the rain garden beds. The circular beds have been re-excavated so that they will retain water more rapidly and for a longer period of time. They will

include grasses in the middle and perennial flowers circulating around the grasses. The hope is that this is not something that has to be done on an annual basis except for occasional replacements.

Mayor Headman, Councilwoman Callaway, and the Maintenance Supervisor attended a rain garden training in Blackbird State Forest in March. It was very helpful.

Met with the Center for the Inland Bays' (CIB) Chris Bason regarding proposed work the CIB will be doing north of South Bethany and perhaps in South Bethany on some excavation work.

Adopt-a-Canal Program: There are five canals that are in various stages of adoption. The Beautification Committee hopes that at springtime more property owners will be interested in participating in the program.

- **Budget and Finance Committee** – Councilman Saxton reported:

There was nothing to report.

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

Chris Bason of the Center for the Inland Bays and South Bethany together with the U.S. Army Corps of Engineers did a study for conceptual pollution stormwater control strategy for the Anchorage Canal drainage area. Councilman Junkin's input to the beautification process is to make sure that when the Town plants something, a hole is dug similar to the way the Conceptual Pollution and Stormwater Control Strategy for the Anchorage Canal Drainage Area report says to do it.

Chris Bason has a \$45,000 grant for the Middlesex medians which includes South Bethany's medians down to Petherton Dr. He has the design for digging out the dirt to create the rain garden(s). He hopes to be able to get the work done by the end of the summer. The Town would then have to come up with the funds to vegetate it.

Councilman Junkin will be working with Allan Allenspach and E. J. Chalabala to purchase supplies for the Oyster Garden Program by April 30, 2011.

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

A hearing scheduled for April 12, 2011, for a request for the partitioning of property located at Coastal Hwy. and Anchorage where the turn around is has been postponed and will be rescheduled again sometime later.

The Planning Commission is discussing putting together a training session to explore, inform, and better familiarize the members with the Town's practices and the Town Code. Mr. Oliver (Planning Commission Chairman) is putting an agenda together for that meeting. Mayor Headman said the Council Members would also benefit from that workshop.

## **ADJOURNMENT**

A motion was made by Councilman Fields, seconded by Councilman Cestone, to adjourn the April 8, 2011, Town Council Regular Meeting at 7:55 p.m.