

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
SEPTEMBER 22, 2011**

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Pat Voveris, Al Rae, Sue Callaway, and Jim Gross; Town Manager Melvin Cusick; Chief Joe Deloach; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilman George Junkin

MEETING CALLED TO ORDER

Mayor Headman called the September 22, 2011, Town Council Workshop Meeting to order at 5:00 p.m.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADOPTION OF MINUTES

- **Town Council Workshop Meeting Minutes, August 25, 2011** – A motion was made by Councilman Fields, seconded by Councilman Gross, to accept the August 25, 2011, Town Council Workshop Meeting Minutes. The motion was adopted.
- **Town Council Regular Meeting Minutes, September 9, 2011** – A motion was made by Councilman Fields, seconded by Councilman Gross, to accept the September 9, 2011, Town Council Regular Meeting Minutes as amended by Councilwoman Callaway as follows:

Page 5, First Paragraph: Change "Some other things will occur in the spring" to read "Herbaceous plants will be planted in the spring."

Page 5, Canal Water Quality Committee, Paragraph 2: Change "The Committee will make recommendations that the Town should take on these topics, and the Committee will make recommendations that the property owners should take to try to improve the water quality of the canals" to read "The Committee will make recommendations about what the Town should do with these topics, and the Committee will make recommendations of what property owners should do to try to improve the water quality of the canals."

The motion was adopted.

BUDGET AND FINANCE COMMITTEE REPORT (Pat Voveris)

The Budget and Finance Committee will meet on Friday, September 23, 2011.

Councilwoman Voveris met with the Town's auditor. The Town is in good fiscal health and has at least six months of reserves on hand. The audit went very well. Council will receive copies of the final report, and the auditor will present the report at the October 14 Town Council Regular Meeting. Council will have an opportunity to ask questions at that time.

Councilwoman Voveris distributed a fee comparison chart she prepared for the September 23 Budget and Finance Committee Meeting.

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

• **Beach Services – Beach patrol, Beach vendor, Beach cleaning (Melvin Cusick)**

Beach Patrol (Lifeguards) – The Town Manager's written report:

The average score of 4.72 puts the Beach Patrol Services well into the "Very Satisfied" category. 99% of those who had an opinion were satisfied or very satisfied with the Beach Patrol. There were 13 written comments (1.4%).

Four items and the recommendations are as follows:

- All stands should have dry erase boards to indicate tides, water temp, rip currents, etc. Each Lifeguard should have a 2-way radio.

Answer: The dry erase boards were tried several years ago with little success. The signs that were used did not hold up well in the environment. The Beach Patrol Captain agrees with the suggestion and we will get estimates on a different type sign. Several of the Beach Rules signs will also need to be replaced.

Two additional radios were purchased. These radios are used when other radios are out for repair. Cost of the additional radios was \$900. The Beach Patrol Captain prefers not to have all stands equipped with radios.

Comments in addition to the written report:

The Town Manager stated that the maintenance staff feels they can build a sign with three clocks - one for high tide, one for low tide, and one for water temperature. The expense would be minimal – probably less than \$500 for all nine stands (this is an estimate). The intention is to build the signs during the winter while the maintenance staff has the available time. There may be available funds in the Maintenance Department's sign budget. Councilman Gross suggested that the signs be portable so that they could be taken down and stored in the shed at night. The Town Manager said he would have the Maintenance Supervisor make a sample and bring it to a Workshop Meeting. Regarding the Beach Rules signs on the stands that need to be replaced, the Town Manager recommended not investing a lot of money in those signs because of vandalism. The funds would have to come out of this year's budget, but it would not be a large expense.

Regarding each lifeguard having a 2-way radio, the Town Manager stated that the Beach Patrol Captain prefers not to have all stands equipped with radios for the following reasons: 1) He only wants the officers to have radios and spaces them accordingly. 2) He wants the guards to pay attention to what they are doing and not chatting on the radios. 3) He does not want the guards to stop using semaphore flags. Recently the Town Manager got a price of \$400 on weather proof radios like the military uses. The Town Manager is waiting for input from the Beach Patrol Captain and would present this during the budget process. The Town Manager recommends not buying more than two to try them out. They would be replacement radios that are more durable and hopefully will last longer than the cheap refurbished radios that the Town currently uses. Currently the Town has seven radios.

The Town Manager's written report:

- Should start Junior Lifeguard program.

Answer: Junior Lifeguard program was started in July of this year (2011). It has been very successful.

Comments in addition to the written report:

The Junior Lifeguard program is cost neutral. Parents pay for all expenses. The Town will publicize the program more next year. The Town Manager noted that the Town's insurance company recommended that certified instructors with child abuse training run the program.

The Town Manager's written report:

- Lifeguards should enforce the "No glass" policy and "Keep off dune" policy.

Answer: Enforcement of both has been increased by the Beach Patrol.

Comments in addition to the written report:

The Town Manager noted that the storms have taken away a lot of the "keep off the dune" signs and hopefully the State will replace them after beach replenishment.

Mayor Headman asked about signs at the walkways to help enforce the no glass policy. The Town Manager said no glass signs could be posted at the walkways, but keep in mind the Town posts rip current signs on the walkways (some need replacing), and because most of the rescues are caused by the shore break, the Beach Patrol Captain has requested shore break signs be posted on the walkways. The Town Manager will put in for these during the budget process. It was noted by Council that the current beach rule signs on the walkways state the Town's "no glass" policy. After a discussion, Council agreed that the Town Manager should get a price to replace the signs on the lifeguard stands and a price to replace the beach rule signs on the walkways with signs that are simple and can be easily read.

The Town Manager's written report:

- More chairs and one lifeguard per chair.

Answer: The staffing level of 26-28 guards is sufficient for a 7 day a week operation. The placing of the stands follows guidelines that are used by most of the coastal towns. Two guards per stand allow coverage during lunch shift rotation and breaks. It also allows for coverage of stands during a rescue operation.

Beach Vendor – The Town Manager's written report:

The average score of 3.98 puts the Beach Vendor Services in the middle of the "Satisfied" category. 77% of those who had an opinion were satisfied or very satisfied with the Beach Vendor. There were 62 written comments (7.2%).

It should be noted that most comments were concerning Go-Melvo not being allowed to vend. When the Town initially bid out the Beach Vending Service Contract, Go-Melvo won the bid. Approximately two weeks before the beach season, Go-Melvo refused to abide by the specifications that were in the bidding documents. He never returned a signed contract to the Town. The Town then awarded the one year contract to Dewey Beach Services. Following the initial year, the Town bid out the service for a 3 year contract. Dewey Beach Services was the only bidder and was awarded the contract.

Some other comments/recommendations were as follows:

- ATV's and vehicles should not be allowed on the beach.

Answer: The ATV vending concept was approved by Council before bidding. The other option was to have the "Shacks" at beach walkways similar to other Towns. This was opposed by Council.

- Items offered are too expensive.

Answer: Pricing is consistent with Beach Vending in the other coastal Towns.

Comments in addition to the written report:

The Town Manager noted that the vendor has quite a bit of expense which includes equipment and labor.

The Town Manager's written report:

- More variety of items is needed.

Answer: The items are listed in the bidding documents and were approved by Council before bidding. More variety could be requested by Council. It would be dependent on whether the items could be carried on the vehicles.

- Inattentive drivers and safety concerns.

Answer: Anytime there is a complaint concerning this, it has been passed on to the owner and he has followed up. The only complaint received this summer was that the vehicle was not going all the way to the northern boundary at Sandpiper. The owner was contacted and it was corrected.

Beach Cleaning – The Town Manager's written report:

The average score of 4.35 puts the Beach Cleaning Services very close to the "Very Satisfied" category. 91% of those who had an opinion were satisfied or very satisfied with the Beach Cleaning. There were 40 written comments (4.6%).

- Most of the comments stated that the beach needed to be cleaned more often by a beach cleaning machine.

Answer: There are two recommendations that Council can consider. (1) Budget more money for contracted beach cleaning. The current budget (\$3,000) only allows for approximately two cleanings. (2) Buy the necessary equipment and have the labor force to clean the beach at an approximate cost of \$70,000.00. It should also be noted that the survey was sent out before this beach season. Last year, the beach was only cleaned one time since there were no funds budgeted. This season, the beach has been cleaned by the contractor 3 times.

Comments in addition to the written report:

The Town Manager stated that he does not recommend No. 2. He recommends budgeting for 4 beach cleanings. Council agreed and Mayor Headman stated that it is a budget item. The Town Manager noted that since beach replenishment, there is more beach to clean and the Town is charged by the hour for the cleaning.

- **Communications Services – The Zephyr newsletter, town web site, email news updates (Jay Headman)**

The ZEPHYR Newsletter – Mayor Headman's written report:

Results: The Zephyr average score of 4.49 was within 0.01 point of being rated "Very Satisfied". 97% of those who had an opinion were satisfied or very satisfied with the Zephyr. There were 8 written comments (.9%).

Summary of Comments

- Newsletter needs to be published more frequently (3)

Principal Issue

The ZEPHYR needs to be published more frequently.

Recommendation for Improvement

With the addition of the "News Updates", we don't recommend publishing the ZEPHYR more often. Cost is \$865.32 per issue.

Comments in addition to the written report: Council agreed with the recommendation.

Town Website – Mayor Headman's written report:

Results: The Website average score of 4.39 placed it very solidly in the "Satisfied" category. 94% of those who had an opinion were satisfied or very satisfied with the Website. There were 5 written comments (.58%).

Summary of Comments

- Website needs to be updated more frequently (2)
- Need more information on the website (2)

Principal Issue

The Town website needs to provide more information and be updated more frequently.

Recommendation for Improvement

Even though 94% of the responders were "Satisfied" or "Very Satisfied", we will review and research other town websites, and we will work with our website provider, Beach-net, to make improvements.

Email News Updates – Mayor Headman's written report:

Results: The e-mail "News Updates" average score of 4.41 placed it very solidly in the "Satisfied" category. 94% of those who had an opinion were satisfied or very satisfied with the e-mail "News Updates". There were 17 written comments (1.9%).

Summary of Comments

- Don't receive the emails (8)
- Want email News Updates more frequently (4)

Principal Issue

Many property owners don't receive the News Updates.

Recommendation for Improvement

We will develop a plan to increase the number of property owners receiving "News Updates". Currently only 588 South Bethany properties are enrolled in the Email Communications Program to receive "News Updates".

Comments in addition to the written report:

Mayor Headman stated that the Town's Welcome Packet to new property owners includes a welcoming letter from the Mayor which encourages new property owners to enroll in the Email Communications Program and explains how to enroll. The Administrative Assistant stated that she will insert an Email Communications Program registration form in the October 2011 ZEPHYR to those property owners who are not already enrolled in the program. Mayor Headman stated that when the Town has the opportunity, the form will be included in any mailings that go out. In an effort to get more property owners enrolled in the program, Mayor Headman noted that in his October 2011 ZEPHYR article he emphasized that "News Updates" regarding the storm were sent directly to property owner's email addresses.

Councilwoman Callaway believes the Town should explore having volunteers call property owners in an effort to get more property owners registered in the program. The Administrative Assistant stated that she would prefer inserting the registration form in the Town's mailings to those property owners who are not already enrolled in the program. Mayor Headman stated that maybe the Town can have volunteers make phone calls. After a discussion, Mayor Headman suggested giving the mailings a try and then decide if another approach should be considered.

- **Police Department – Police Department staff, Speed control on side streets, Speed control on Route 1, Parking Regulations (Chief Joe Deloach)**

Police Department staff – Chief Deloach's written report:

97% were satisfied/very satisfied

- 7 comments specifically addressed the department doing a great job.
- 3 comments indicated a need for a staff reduction
- 4 comments indicated a need for friendlier officers

SOLUTION(S) AND COST(S)

A 97% approval rating is a compliment to the department that the staff is proud of. The department maintains the minimum personnel level required to provide 24 hour service to the town. I feel confident that all officers maintain a professional demeanor as trained; however, citizen reactions to enforcement are sometimes perceived differently. We have several recorded examples. Public safety remains our top priority.

Comments in addition to the written report:

The department maintains the minimum personnel level (6 officers) required to provide 24 hour service to the town. The Police Department has been at that personnel level for 18 years. Chief Deloach noted that if the dispatcher is not on duty, calls to the station will transfer to the duty officer's cell phone

Speed control on side streets - Chief Deloach's written report:

86% were satisfied/very satisfied

- 34 comments were regarding speeding vehicles.
- 7 comments were regarding speeding in Cat Hill.
- 5 comments were regarding not speeding in town.
- 5 comments were regarding failure to stop at stop signs.
- 2 comments indicated a need for more stop signs.
- 3 comments were regarding wrong way traffic on Ocean Drive.
- 1 comment was regarding signal length too long at Layton Dr.
- 4 comments indicated a need for more speed bumps.
- 1 comment indicated a need to reduce the number of speed bumps.
- 1 comment indicated the lane is mis-labeled at Route 1 and York Rd.

SOLUTION(S) AND COST(S)

Patrols were increased on York Rd., Bayshore Dr., and Canal Dr. per the directed comments. Traffic counts have shown that speed is not a problem in Cathill. To deter speeding on the side streets, the department intends to place a speed monitor on the side streets. The department has increased enforcement of stop signs and other violations on the side streets for a heightened presence.

Comments in addition to the written report:

Chief Deloach stated that there would be no additional costs for his recommended improvements.

Chief Deloach stated that studies have been done in Cat Hill and the data shows that speeding is not a problem in Cat Hill. Chief Deloach believes that due to the close proximity with the vehicles, it seems to the walkers and bicyclers who share the same space with the cars that the cars are speeding.

This past summer the Police Department started a new program where the summer officer patrolled in a police car. The summer officer wrote 17 summonses for going around the barricade, 10 tickets for running stop signs on Ocean Dr., 5 tickets for running stop signs on the bay side, 1 ticket for traveling the wrong way on N. 6th St., and 15 tickets for miscellaneous violations.

Chief Deloach does not recommend adding more stop signs.

Regarding the comment on the signal length on Layton Dr., the State controls the length of the traffic signal not the Town.

Regarding the comment that the lane is mislabeled at Rt. 1 and York Rd, Chief Deloach thinks it is laid out very well. The Town Manager noted that it was changed after the paving to correct that.

Regarding the 34 comments about speeding vehicles on side streets, Chief Deloach stated that when the officers patrol the side streets they do have the radars on, but the officers do not see a lot of speeding. Chief Deloach stated that there is not enough speeding on the side streets to justify sitting an officer there for a long period of time to do stationary radar.

Speed Control on Route 1 – Chief Deloach's written report:

93% were satisfied/very satisfied

- 16 comments excessive speed control on Route 1
- 6 comments indicated they were content with speed control on Route 1
- 4 comments indicated a permanent camera/speed monitor should be present on Route 1
- 4 comments indicated the speed limit should be lowered

SOLUTION(S) AND COST(S)

A Solar Radar sign costs \$4,425.00 and two will be purchased with funds from a Sussex County Grant. Speed cameras would have to be approved by State legislation. Reducing the speed limit on Route 1 is the responsibility of the State.

Parking Regulations – Chief Deloach's written report:

86% were satisfied/very satisfied

70 comments that ranged from too strictly enforced to not enough enforcement

SOLUTION(S) AND COST(S)

The Town Council may want to look at issuing parking passes on the west side of Route 1 and not allowing residents to use their entire lot frontage as viable parking in addition to their driveways. The police department deals fairly with the public and all parking issues based on the town codes. We are proactive in rendering solutions where there is ambiguity i.e. (more signage, adjudicating fines to lesser violations, working with beach patrol, after hours parking passes, etc.)

Comments in addition to the written report:

Chief Deloach noted that there used to be permit parking on the west side of Rt. 1, but because of concerns of losing federal funds for becoming private, the Town opened up the west side to public parking.

Chief Deloach stated that he has two reasons for which he will void tickets: 1) If it is the fault of the Town (no sign, trees growing over the sign, etc.). 2) If the officer does something wrong. Chief Deloach stated that he will sometimes reduce the fee of the ticket.

Council agreed that at a Workshop Meeting in the late spring Council should discuss ways to free up spaces for people to park in town.

Summary of cost items from the Recommended Improvement Reports:

- Lifeguard stand signs with three clocks - one for high tide, one for low tide, and one for water temperature: Cost = probably less than \$500 for all nine stands. There may be available funds in the Maintenance Department's FY 2012 sign budget.
- Beach Rules signs on the lifeguard stands: Cost = Not a large expense. The funds would have to come out of the FY 2012 budget.
- Weather proof radios. The Town Manager recommends not buying more than two to try them out: Cost = \$400 each. This will be presented during the FY 2013 budget process.
- Junior Lifeguard Program: Cost = Neutral. Parents pay for all expenses.
- Rip current signs and shore break signs on the walkways. This will be presented during the FY 2013 budget process.
- Beach rules signs on the walkways: The Town Manager will get a price to replace current signs. This will be presented during the FY 2013 budget process.
- Four beach cleanings: Cost = Approximately \$6,000 for four cleanings. This will be present during the FY 2013 budget process.
- Speed control on side streets: Costs = No additional costs for recommended improvements.
- Two Solar Radar signs for speed control on Route 1 purchased with funds from a Sussex County Grant: Costs = \$4,425.00 each. No cost to the Town.

The following recommended improvement reports will be given at the Oct. Workshop Meeting:

- Canal maintenance (Chairman Water Quality Committee/Town Manager/Maintenance Supervisor)
- Storm water management (Town Manager/Maintenance Supervisor/Chairman Water Quality Committee)
- Town code enforcement (Town Manager)
- Town Council (Mayor)

BIORETENTION AREAS UPDATE (Jay Headman/Sue Callaway)

Mayor Headman stated that this project started many years ago through the efforts of this town working with the Army Corps of Engineers, the CIB, and our communities to look at a way to reduce the amount of pollution that goes directly into the Anchorage Canal. Mayor Headman stated that the drainage pipe comes from the south end of Bethany Beach, through Sea Colony, through Middlesex, and dumps into the Anchorage Canal. In 2003 the Town, through the efforts of DelDOT, created a forebay in order to slow the flush, but the forebay was only ever going to be 28% efficient. In water quality today, the emphasis is on attacking and stopping the pollution at the source – stop it before it comes down the pipe. This current project started in front of Sea Colony along the trenches. The next effort is to go along the medians through Middlesex and maybe come into South Bethany as it comes up to the Anchorage Canal. Knowing that South Bethany was very much interested in the project, Chris Bason of the Center for the Inland Bays (CIB) applied for an extra grant to include South Bethany in the project.

Mayor Headman and Councilwoman Callaway submitted the following written report on the Anchorage Canal Drainage Bioretention Area Project for Council's consideration:

- **Status on Center for Inland Bays (CIB) Bioretention Excavation Bid**
 - CIB awards the bioretention excavation contract to the construction company, David A. Bramble, Inc.
 - Bid amount only funds the excavation of 10 Inlets (bioretention areas) rather than the desired 16 (original Anchorage Canal Project funded the excavation of Middlesex and only two bioretention areas in SB)
 - CIB will contribute an additional \$18K toward the project (CIB very focused on completing the entire project and wants it to become a collaborative model for the state)
 - DelDOT is minimizing Mobilization of Traffic (MOT) costs by coordinating and designing the MOT Plan (value, approximately \$6K)
 - MOT operation will be carried out by David A. Bramble, Inc.; but, costs for MOT operation will be covered by CIB funds

- **Project Goals**
 - Complete the excavation of all 16 bioretention areas at one time
 - Minimize MOT costs by completing work during one project time period rather than incurring future mobilization costs
 - Allow SB to complete all bioretention work during one time period and focus on future minimal landscape maintenance costs for Route 1 Median
 - Allow SB to spend all secured tree grant funds from the Department of Agriculture (DOA) (\$14K + an additional \$5K) and to plant trees in all bioretention areas. These DOA funds may not be available in the future.
- **SB Budget Request for Excavation**
 - Use FY 12 budgeted Canal Water Quality Committee funds of \$4,300 toward excavation of additional bioretention areas
 - Use up to \$17K (minimum could be \$10K) in reserve funds toward excavation of additional bioretention areas, thus completing all the necessary excavation work for the Anchorage Canal Drainage Area Project
- **End Result for South Bethany**
 - Excavation work on all 10 bioretention areas in South Bethany is completed in Fall 2011
 - All secured tree grant money is utilized and trees are planted in bioretention areas
 - In the future, South Bethany focuses only on landscape maintenance of Route 1 Median
 - Water Quality team can begin gathering data that measures the results of this storm water management program in the Spring 2012

Mayor Headman noted that to complete 10 sites the bid came in at \$37,810. The cost to do all 16 sites and complete the project at one time is \$64,000 (an additional \$26,000).

After a discussion, a motion was made by Councilman Fields that the Council approve the use of \$17,000 to be taken from reserve funds for the Anchorage Canal Drainage Bioretention Area Project. After amending the motion to say "up to \$17,000", Councilman Gross seconded the motion. The motion was unanimously carried.

YARD WASTE UPDATE (Melvin Cusick)

Council reviewed the Yard Waste Cumulative Totals 2011-2012 worksheet (attached). The Town Manager noted that the September pickup was after Hurricane Irene. The pickup date had been moved up a week and there was a lot of debris. The Town Manager explained that the labor cost was higher because the Town was lenient in accommodating residents who did not know the pickup day had been moved up a week by going back and picking up their yard waste after the contractor had already completed their street. The Town Manager stated that for the September pickup there was no trash comingled in the yard waste and property owners did not use plastic bags. The Town Manager stated that the Town may get money back from FEMA for the September pickup because it was considered storm cleanup. The Town has submitted the costs for the pickup, and if approved the Town could get reimbursed for 75% of the cost of the pickup.

DRAFT RESOLUTION OF SUPPORT FOR THE ASSAWOMAN CANAL TRAIL (Al Rae)

The Towns involved have been asked to provide a resolution in support of the Assawoman Canal Trail plan. Council reviewed draft Resolution No. 7-11 (attached). Hopefully the final draft will be ready for adoption at the October 14, 2011, Town Council Regular Meeting. Council will get a copy of the final draft of the resolution prior to the October 14th meeting.

DRAFT ORDINANCE REGARDING TOWN CODE § 145-14.3 GROUND COVERING ALLOWED IN THE SETBACK AREA (Jim Gross)

Councilman Gross explained that in January 2011 the Board of Adjustment (BOA) wrote a letter to the Mayor pointing out that the BOA had several requests for approved paving to allow a greater handicap access to the properties. In the letter, the Chairman of the BOA suggested that perhaps some rewording in the Code would be useful in that regard. The Code Enforcement Constable drafted an ordinance which

he thought would take care of their issue as well as other issues that had come to his attention regarding property owners wanting to make improvements in their driveways. The ordinance was reviewed and revised substantially by the Planning Commission after which they unanimously supported the concept. That is the draft Council had in their meeting packet. Councilman Gross stated that he and Mayor Headman had problems with the draft ordinance that was included in Council's meeting packet. Prior to the meeting Councilman Gross redrafted the ordinance and distributed it to Council Members at the meeting. Councilman Gross reviewed the ordinance he redrafted. Councilman Fields stated that he had to leave the meeting but he is very interested in this ordinance. He said this is the first time he has seen the changes and he needs to read it and think about it. Councilman Fields proposed ending the meeting and look at this ordinance at the next Workshop. Councilman Gross stated that he understands that, but he would like to move forward with it because it has been pending for some time. Councilman Fields stated that he was leaving and he will read the ordinance and think about it and he will discuss it at the next Workshop. Councilman Fields stated that he has serious concerns about any changes to this ordinance. Councilman Fields left the meeting. Mayor Headman asked for other comments. After a discussion summarizing the changes and the differences as well as background information, Council agreed to discuss the ordinance at the October Workshop and postpone the first reading of the ordinance until after the October Workshop Meeting.

ADJOURNMENT

A motion was made by Councilwoman Voveris to adjourn the September 22, 2011, Town Council Workshop Meeting at 7:15 p.m.

phs:Workshop Minutes.9.22.11

Attachments: Yard Waste Cumulative Totals 2011-2012
Draft Resolution No. 7-11

Amended and Adopted 10.14.11