

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
OCTOBER 27, 2016**

MEETING CALLED TO ORDER

Mayor Voveris called the October 27, 2016, Town Council Workshop Meeting to order at 3:00 p.m.

ATTENDANCE

PRESENT: Councilmembers Don Boteler, Sue Callaway, Wayne Schrader, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Chief Troy Crowson; and Administrative Assistant Pam Smith

PRESENT BY REMOTE ACCESS: Councilmember Tim Shaw

ADOPTION OF MINUTES

- **Town Council Public Hearing on Ord. 184-16 Minutes, October 14, 2016** – A motion was made by Councilmember Stevenson, seconded by Councilmember Schrader, to accept the October 14, 2016, Town Council Public Hearing on Ord. 184-16 Minutes. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

- **Town Council Regular Meeting Minutes, October 14, 2016** – A motion was made by Councilmember Callaway, seconded by Councilmember Boteler, to accept the October 14, 2016, Town Council Regular Meeting Minutes as amended as follows:

Page 2, Second Heading, First Line: Change "RESULT" to "RESULTS". Also, in the first paragraph under this heading change "Second Home Residences" to "Secondary Home Residences".

The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

PUBLIC COMMENT PERIOD

Steve Bunoski (417 Victoria Dr.) – Thanked the Council for beginning the process for a smoking ban on the beach in South Bethany. Mr. Bunoski noted that in the 2015 Town Survey there was overwhelming support for no smoking on the beach. Mr. Bunoski added that South Bethany is the only town between Virginia and New Jersey that does not have a ban on smoking. Mr. Bunoski suggested that Council read the smoking bans for Fenwick Island, Bethany Beach, and Dewey Beach. Mr. Bunoski stated that Bethany Beach's ordinance regarding a smoking ban also addresses marijuana.

Kent Stephan (46 S. Anchorage Ave.) – Stated that after a year of shutting down Black Gum Dr., there has been no decrease to pedestrian and biker accidents. Mr. Stephan stated that even though Council thinks they are reducing accidents, Mr. Stephan thinks Council is a minority in holding that opinion, particularly of the people who use Black Gum Dr. regularly to do their daily business. Mr. Stephan thinks if he gets a referendum, which he is suggesting, Council will find that is true. In addition to a referendum, Mr. Stephan asked Council to consider banning bikers and walkers during the three hours and not cars if Council is worried about bikers and walkers. Mr. Stephan said that would affect far fewer people.

DISCUSSION AND POSSIBLE VOTE ON THE RECOMMENDATION FROM THE TRAFFIC COMMITTEE TO CREATE A 3-WAY STOP AT CANAL AND TAMARACK WITH BARS OR STRIPING BASED ON A DELDOT WARRANT

Mayor Voveris noted that the word "warrant" in the above heading is incorrect language. John Janowski, Chair of the Traffic Committee, stated that since DelDOT did the warrant study this past summer at the intersection of Canal Drive and Tamarack Drive which did not meet the warrant, DelDOT has reconsidered their position regarding a recommendation for installing a 3-way stop sign at the intersection of Canal Drive and Tamarack Drive. As part of a trial program, DelDOT is now endorsing a 3-way stop sign at the intersection of Canal Drive and Tamarack Drive with stop bars. Mr. Janowski explained that there are four to six intersections in Delaware that DelDOT is endorsing for this trial program. The Town will install the stop signs with guidance from DelDOT. Mayor Voveris stated that DelDOT will monitor the 3-way stop for a year through positive or negative feedback (accidents, confusion, etc.) from the South Bethany Police Department. If there are no issues, DelDOT will warrant the stop signs. Mr. Janowski noted that the other alternative to meet a warrant would be to realign the intersection within its right-of-way at a cost of approximately \$30,000.

Motion and Vote: A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to proceed with the recommendation from the Traffic Committee to create a 3-way stop sign at Canal Drive and Tamarack Drive with bars or striping as part of a trial program through DelDOT. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON CHANGE OF MEMBERSHIP OF THE TRAFFIC COMMITTEE TO INCLUDE 3 OWNERS: JOHN JANOWSKI, MIKE TRENTADUE, AND DAVE WILSON. TOWN MANAGER CUSICK WILL PARTICIPATE AS A NON-VOTING MEMBER

Traffic Committee Chair John Janowski explained that the reason for the proposed change of membership of the Traffic Committee is due to the difficulty of meeting a quorum for a committee of six voting members during the winter months.

Motion and Vote: A motion was made by Councilmember Callaway, seconded by Councilmember Schrader, to change the membership of the Traffic Committee to the following three owners: John Janowski, Mike Trentadue, and Dave Wilson. Town Manager Cusick will participate as a non-voting member. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO DEVELOP A TRAVEL POLICY FOR SOUTH BETHANY EMPLOYEES AND TOWN COUNCIL

Councilmember Stevenson stated the following:

Employees and Town Council members travel for Town business and training, to attend conventions, and to represent the Town at local and state functions. The Finance Director along with the Mayor and I believe that written guidelines should be developed for reimbursement of such expenses.

At the present time, expenses are reimbursed for reasonable and necessary travel on a general basis. Federal Per Diem guidelines are used for reimbursement of lodging, meals, and incidental expenses; while mileage is reimbursed according to the IRS mileage rate. Airline, bus, and rail travel are reimbursed at the coach rate.

When an Employee or Council Member travels overnight, reimbursement of expenses for an accompanying guest or spouse is not allowed. However, when an Employee or Town Council Member attends a local or state function as a representative of South Bethany, the Town will reimburse that Official the cost of meals for the accompanying guest or spouse.

The Finance Director and I are in agreement that guidelines should be clear concerning travel and that any expenses paid should be done in a timely and transparent manner. We do not believe that there is any untoward behavior occurring by employees or Town officials, but we want to make sure that all rules are clear and that there is no appearance of impropriety.

We believe it would be in the best interest of South Bethany to develop a Travel Policy for Employees and Members of the Town Council.

Motion: A motion was made by Councilmember Stevenson, seconded by Councilmember Callaway, that the Town Council vote to develop a travel policy and that Councilmember Stevenson and the Finance Director gather information and present a proposed travel policy at the December Town Council Meeting.

Discussion: Mayor Voveris asked Council to respond to Councilmember Stevenson with suggestions they may have.

Vote: The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO TASK THE CHARTER AND CODE COMMITTEE WITH WRITING ORDINANCES FOR A FIRST READING AT THE FEBRUARY 10, 2017, TOWN COUNCIL REGULAR MEETING FOR: 1) NO SMOKING ON THE BEACH AND WALKWAYS, AND 2) SEASONAL BARRICADE ON BLACK GUM DR.

Motion: A motion was made by Councilmember Weisgerber, seconded by Councilmember Callaway, to task the Charter and Code Committee with writing ordinances for a first reading at the February 10, 2017, Town Council Regular Meeting for: 1) No smoking on the beach and walkways, and 2) Seasonal barricade on Black Gum Dr.

Mayor Voveris stated that per the Town Solicitor the dates and times that the barricade is in effect (May 15 to September 15 from 10 a.m. to 1 p.m.) will be written in the ordinance. After discussion, Mayor Voveris said she will pose the question to the Town Solicitor whether or not just the dates could be written in the ordinance and perhaps the time (hours) could be implemented by Council resolution. (*Administrative Assistant's Note: Mayor Voveris followed up with the Town Solicitor after this meeting and he advised including the dates and the times.*)

There was a discussion that the current signs may not be prominent enough. Mayor Voveris said improved signage is an item that could be put in the budget. Mayor Voveris suggested that Chief Crowson and Mr. Janowski possibly work together and come up with something before next season.

Vote: After discussion and public comment, the voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO ADD LANGUAGE PER THE TOWN SOLICITOR TO THE TOWN OF SOUTH BETHANY PERSONNEL POLICY MANUAL AND THE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES ON HIRING PROCESS

Previous to this meeting Council was given the proposed language from the Town Solicitor. The proposed language is to lend clarification because when the Chief of Police hires a new officer the Chief of Police has some exemption from the hiring process, but Council wants to hold the Chief of Police to a standard where the Town would have representation. The language that the Town Solicitor supplied adds clarification as to how the Chief is allowed to hire. Mayor Voveris pointed out that the Town Solicitor advised that this does not preclude the Chief from making the final decision.

Motion: A motion was made by Councilmember Weisgerber, seconded by Councilmember Schrader, to add the following language per the Town Solicitor to the Town of South Bethany Personnel Policy Manual and the Police Department Standard Operating Procedures on Hiring Process (where applicable, additions are **highlighted**):

Town of South Bethany Personnel Policy Manual and Employee Handbook

Amend Section 2-4, Hiring Process, Section A, Policy to read: It is the policy of the Town to recruit and select employees from a field of applicants in order to ensure that the Town appoints the most qualified and competent applicants available, to provide an equal opportunity to all qualified applicants, and to base the selection of employees on valid, applicable, and job-related measures of qualifications. This section does not pertain to the Police Department employees. The Police Department has a "Standard Operating Procedures" (SOP) Manual, which covers its hiring process. **Anything in the Police Department SOP Manual to the contrary notwithstanding, a member of the Town Council and/or the Town Manager shall be present at all applicant interviews for positions within the Police Department.**

Police Department Standard Operating Procedures

Amend 1.5.1, Section C, Interview, Subsection 4 to state: **The interview panel will be appointed by the Office of the Chief of Police, and shall include one member of the Town Council and/or the Town Manager.**

Amend 1.5.1, Section E, Chief of Police's Interview to read: **After the background investigation has been completed, applicants, based on their total ratings, will be interviewed by the Chief of Police and a member of the Town Council and/or the Town Manager. The number of candidates chosen to proceed to the Chief of Police's interview will be determined by the Office of the Chief of Police.**

Vote: The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO APPROVE THE POLICE DEPARTMENT'S USE OF THE STANDARD OPERATING PROCEDURES

Mayor Voveris stated that the Police Department has been using the Standard Operating Procedures (SOP) for many years but the Town could not find anything in writing where the Council supported this.

Motion: A motion was made by Councilmember Stevenson, seconded by Councilmember Boteler, to approve the Police Department's use of the Standard Operating Procedures.

Chief Crowson gave background information on the Police Department's SOP. Chief Crowson noted that the Town of South Bethany Personnel Policy Manual and Employee Handbook mentions the SOP in Section 2-4, Hiring Process, and Section 6-2, Grievance. Chief Crowson stated that while the SOP has not been approved by Council it has been recognized every time the Council revised and approved the Town of South Bethany Personnel Policy Manual and Employee Handbook.

Vote: The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, and Shaw

AGAINST THE MOTION: None

ABSTAINED: Councilmember Schrader

The motion carried with a 6-0 vote.

FOLLOW UP ON 2015 COMMUNITY SURVEY ASSIGNMENTS AND DISCUSSION & POSSIBLE VOTE ON ANY ACTION BROUGHT FORWARD BY A REPORTING COUNCIL MEMBER (CAROL STEVENSON, FRANK WEISGERBER, AND WAYNE SCHRADER)

Communications and Public Relations Committee
Carol Stevenson
Communication Services

Scores for Communication Services scores fell slightly from the 2011 survey, however the scores remained well above the average score of 4.04. The survey scored satisfaction with all communication services, although comments reflect the need for improvements.

Town Website

The Town Administrative Assistant manages the Town Website which is provided by Beach Net. In perusing similar town websites, the C & PR Chairman and Administrative Assistant looked at improvements that could be made to make the Website easier to navigate and for visitors to the site to find what they needed, particularly current issues and activities. **The C and PR committee and Administrative Assistant will explore updating the website.**

Email News Update

Email news updates go out to any Town resident who has requested this service. When News Updates are needed the Administrative Assistant develops and sends these messages out to the community. There is presently no backup when that person is not available to send out News Updates. **It is suggested that the Town Manager assign a backup employee to perform this task and that duty be added to their job description.**

Notes and Comments:

Comments varied for these services from “too many communications; provide more communications; thank you for your communications; send more communication of summer events by email; reduce self-congratulatory emails; I am not receiving any emails; it is hard to find things on the website; town events are not news; and the website needs more frequent updates.”

The Communications and Public Relations Chairman and Committee and the Town Administrative Assistant will continue to address these issues by exploring improvements to the website email news updates and other media venues.

Future Town Needs Chair, Communications and Public Relations Committee Town Sponsored Activities

Respondents to the Survey were overwhelming in support for Town sponsored family events and activities. Most respondents also indicated that they felt that we had about the right amount of town sponsored family events. The C and PR committee has continued to look at activities that are available for residents and visitors that contribute to a healthy community and encourage rental activity which in turn increases Town income. Although some summer activities such as summer movies have a cost associated with them, many of the other activities have no cost other than the small cost for advertising these offerings. **The Communications and Public Relations Committee plans to continue the current activities and also look to future opportunities in line with the wishes of residents.**

Comments about town sponsored activities included “consider beach bonfires; year-end parties with music, food, alcohol and portable toilets; add tennis courts, basketball, playgrounds; we would like a Pot Luck dinner in September; add more town-sponsored events for kids such as tennis lessons, swim lessons and beach bonfires; explore a playground; sponsor a block party program; we love local movie night; we love the July 4th parade, boat parade, and polar plunge but the movie on the beach is too much; how about more off season events; the SBPOA should sponsor all social events instead of the town; I am disturbed that South Bethany is advertised so much and that might bring undesirable guests to the beach.”

Future Town Needs Planning Commission, Carol Stevenson, Town Council Member **Explore Burying Overhead Wires and Lines and Support for a Tax Increase for this Initiative.**

The Planning Commission addressed this Survey Question. They found that utilities were not interested in burying wires and **the cost to be prohibitive**. The Commission did however take it upon themselves to look at improving the appearance of wires that are currently present. They met with vendors who provide services requiring wiring and encouraged them to clean up the current wires and remove unnecessary loose wiring. Verizon in particular has been responsive to these requests. Individuals may call Verizon and Mediacom themselves to address specific areas of unsightliness. The effects of these efforts by the Planning Commission have been successful and in many cases made great improvement to the view shed. **At this point in time it seems that there is little possibility for this initiative and no support from the utilities. No action should be taken.**

Comments indicated that many respondents (400) wanted the town to explore the possibility of burying overhead wires, however a large number of respondents (250) were not interested.

Motion and Vote: A motion was made by Councilmember Stevenson, seconded by Councilmember Callaway, that the Council direct the Town Manager to assign a backup employee to send out News Updates and train that employee and add that duty to their job description. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

Support Smoking Restrictions on the Beach (Councilmember Weisgerber):

Councilman Weisgerber stated that Council has voted to task the Charter and Code Committee with writing an ordinance for a first reading at the February 10, 2017, Town Council Regular Meeting for no smoking on the beach and walkways.

Canal Water Quality (Councilmember Weisgerber):

Councilmember Weisgerber will report on this topic at the November or December Town Council Regular Meeting.

Feral Cats (Councilmember Schrader):

The following report on feral cats filed by Councilmember Schrader was available on the sign-in table:

Source of issue: Resident on Anchorage who regularly feeds and may be importing feral cats. This has led to a sizable colony of feral cats that live in and around that resident's home on Anchorage. These feral cats have broken into a house and a boat and generally fouled them and they have also fouled various neighbors' yards and flowerbeds with their waste. Other behaviors of these feral cats have also been the subject of citizen complaints.

As an initial matter, I have spent considerable time researching the current Delaware statutory and case law to assess and determine what status and what protections or rights the law affords feral cats and conversely what limitations and restrictions there are that might impede our ability to get rid of these cats from our neighborhood. The results are as yet inconclusive and it appears likely I will need to have conversations with representatives of the state government and particularly persons within the state government who focus on animal rights.

That said, it would appear that the current state of the law would prevent us from trapping and removing permanently the feral cats. It may not prevent us from invoking an ordinance that would ban the feeding of the cats but that is not crystal clear or certain. There are those who will assert that a ban on feeding cats constitutes cruelty to animals—which is of course prohibited in Delaware. I believe we have far the better argument however on this measure. I would suggest that we seek an informal opinion from the county or the state that a ban on feeding would not run afoul of Delaware state or county level law.

I have also reviewed a proposed bill or law that has passed one house of the Delaware state legislature and which might be read to grant greater rights and protections to feral cats. I'm not sure that that is necessarily the intent of the law. I believe we need to get in contact with the legislative sponsors of this bill.

I have also researched the laws of other states to assess and determine whether there have been efforts in those states to control or eliminate feral cats where the cats present a nuisance to the community. The thought is that these laws from other states that do attempt to control feral cats may serve as a model for legislation that either we pass as an ordinance or which we suggest to the state legislature and/or to the representatives of the county. It appears that some state or local governments have passed laws that in fact characterize feral cats as a nuisance to the community and that subject the cats to being trapped and permanently removed.

Councilmember Schrader said he is continuing to research this issue which is a complex issue from a legal standpoint. Councilmember Schrader said he is focused on finding a way of removing the feral cats as much as possible from our community in a way that is permitted by state and county laws. Councilmember Schrader said he will work on a recommendation to Council on how to proceed for the December Town Council meeting.

A discussion ensued which included suggestions from Council and the public.

Mediacom (Councilmember Schrader):

The following report on Mediacom filed by Councilmember Schrader was available on the sign-in table:

I was asked to examine and consider the citizen complaints regarding the services of Mediacom, as expressed in the comments provided by citizens who responded in this year's survey, and to explore the adequacy or inadequacy of Mediacom's responses if any to those citizen complaints.

I have examined the written comments or complaints of the citizens as expressed in their survey responses. I have discussed the comments or complaints generally with Melvin and inquired whether the Town had any system of its own to capture or encourage being included and or copied on complaints to Mediacom by citizens.

I have discussed with Melvin setting up a meeting with the responsible representatives of Mediacom to discuss their handling of citizen complaints.

I have examined and studied the Town's contract which grants the franchise to Mediacom to lay cable in the town right-of-way. That contract has certain provisions that would appear to impose on Mediacom penalties if they do not adequately deal with citizen complaints. It is my thought to allude to these provisions in our discussions with Mediacom regarding the handling or the history of the handling of citizen complaints.

I have also met with a telecom industry executive who currently runs a telecom company to discuss possible strategies that might place pressure on Mediacom to improve its customer complaint handling. In this regard I wanted to know whether we could credibly threaten that we would move the franchise away from Mediacom to another provider and to understand whether it was likely that that would improve customer service.

Finally, I have researched whether there are current alternatives to Mediacom that could provide the same level and speed of Internet service and the same level of television service currently.

(Administrative Assistant's Note: Councilmember Schrader said this would be an incredible longshot.)

Councilmember Schrader said he will report on this again at the next Town Council meeting and give Council a concrete proposal. Councilmember Schrader thinks the best the Town can do is to leverage Mediacom into being more responsive to complaints.

Mayor Voveris thinks that the Town could take the collective information from the Town surveys and begin a dialog with Mediacom. Mayor Voveris suggested sending Mediacom a letter asking for a meeting. Mayor Voveris said the Town should communicate with Mediacom and look for a win-win situation because Mediacom is probably the only game in town.

Councilmember Schrader asked Mayor Voveris' help with contacting local Mayors whose towns have Mediacom and see if they are getting complaints and if they have approached Mediacom about the complaints. Councilmember Schrader said if the towns worked together collectively it would have more impact. Mayor Voveris agreed.

Discussion during this agenda item included suggestions from Council and the public.

PER THE TOWN OF SOUTH BETHANY PROTOCOL GOVERNING ABSENCES FROM AND REMOTE ACCESS TO TOWN COUNCIL MEETINGS, DISCUSSION AND POSSIBLE VOTE ON DETERMINING ANY NEED FOR ACTION REGARDING A COUNCILMEMBER'S FOUR ABSENCES FROM COUNCIL MEETINGS IN THE PAST 12 MONTHS

Councilmember Callaway read the policy and gave background information.

Motion and Vote: A motion was made by Councilmember Schrader, seconded by Councilmember Weisgerber, to take no action. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Schrader, and Shaw

AGAINST THE MOTION: None

Councilmember Boteler recused himself from voting.

The motion carried with a 6-0 vote.

DISCUSSION AND POSSIBLE VOTE TO TASK PLANNING COMMISSION CHAIR DICK OLIVER WITH FOLLOW UP AND RECOMMENDATIONS ON POSITION DESCRIPTIONS THAT INDIVIDUAL EMPLOYEES UPDATED OCTOBER 2015

Mayor Voveris stated that Planning Commission Chair Dick Oliver comes from a background where Position Descriptions is something which he has familiarity and experience. Mr. Oliver has volunteered to perform this task.

Motion and Vote: A motion was made by Councilmember Callaway, seconded by Councilmember Schrader, to task Planning Commission Chair Dick Oliver with follow up and recommendations on Position Descriptions that individual employees updated October 2015. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON EMPLOYMENT CONTRACT AMENDMENTS FOR THE TOWN MANAGER AND THE CHIEF OF POLICE

Mayor Voveris stated that she worked on these amendments with the Town Solicitor because the Town has no ratified contracts on the Town's books or in the Town Solicitor's possession. The Town Solicitor amended the two existing employment contracts to indicate the length of the contract and when the contract will be up for renewal. Mayor Voveris said these amendments are for clarification purposes only. The amendments have been given to the Town Manager and the Chief of Police and they had no questions or issues.

Motion: A motion was made by Councilmember Schrader, seconded by Councilmember Callaway, to proceed with the employment contract amendments for the Town Manager and the Chief of Police.

Discussion: Councilmember Shaw stated that he would prefer if the contracts did not automatically renew. Mayor Voveris said she discussed this with the Town Solicitor. These are ongoing contracts. They are not up for renewal at this point in time. The Town Solicitor advises

not to try to change an existing contract. Mayor Voveris said that change would happen at the next renewal. At the time of renewal if the Council wants to change the contract it would be up for negotiation between Council and the contracted employee. Councilmember Callaway asked at the time of renewal what the process for the Council would be (such as an Executive Session). Mayor Voveris said since this has never been done it is a question for the Town Solicitor. Mayor Voveris said she will get clarification from the Town Solicitor.

Vote: The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO AMEND THE TOWN OF SOUTH BETHANY SCHEDULE OF FEES TO REMOVE ITEM 16, REQUEST FOR BUILDING PERMIT EXTENSION REQUIRING BOARD OF ADJUSTMENT ACTION. THIS IS DUE TO ORDINANCE 174-14 ADOPTED NOVEMBER 14, 2014, WHICH REMOVED THE BOARD OF ADJUSTMENT'S OVERSIGHT

Councilmember Boteler read Resolution 6-16:

A RESOLUTION TO REVISE SOUTH BETHANY'S SCHEDULE OF FEES

WHEREAS, the Town Council of the Town of South Bethany has by Ordinance removed the Schedule of Fees from the Code of the Town of South Bethany; and

WHEREAS, the \$300 fee for the request of building permit extension requiring Board of Adjustment action does not apply due to Ordinance 174-14 adopted November 14, 2014, which removed the Board of Adjustment's oversight;

NOW, THEREFORE, LET IT BE RESOLVED, that the Mayor and Town Council of the Town of South Bethany approves the attached revised Schedule of Fees to become effective October 27, 2016.

Motion and Vote: A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to adopt Resolution 6-16 which strikes the \$300 fee for the request of building permit extension requiring Board of Adjustment action from the Schedule of Fees. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO APPOINT LINDA LEWIS TO THE PLANNING COMMISSION

Council had a copy of Linda Lewis' Bio.

The Planning Commission Chair recommends appointing Ms. Lewis to the Planning Commission.

Motion and Vote: A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to approve the appointment of Linda Lewis to the Planning Commission. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON COUNCIL APPROVAL OF USING TOWN OWNED CANAL ENDS FOR PLACEMENT OF THE CURRENT CIB OYSTER CAGES AND FLOATING WETLANDS IN ADDITION TO ANY LOCATIONS SECURED BY VOLUNTEERS K. JANKOWSKI AND K. STEPHAN

Councilmember Weisgerber distributed a map indicating the proposed placement of the oyster cages and floating wetlands. Councilmember Weisgerber said Kent Stephan and Kathy Jankowski have been working on the placement with the Center for the Inland Bays (CIB). Councilmember Weisgerber said the proposed placement of the oyster cages is in the S. Anchorage Canal at the end of Petherton Drive, Brandywine Drive, Henlopen Drive, New Castle Drive, Layton Drive, and Bayshore Drive. Mr. Stephan said the CIB thinks they can place all of the oyster cages on the east side of the S. Anchorage Canal which is all Town property. Mr. Stephan added that if the CIB cannot place all of the cages on the east side of the S. Anchorage Canal, Mr. Stephan would reach out to property owners on the other side of the canal to agree to put them between their docks. Councilmember Weisgerber said the placement of the oyster cages in the S. Anchorage Canal will give the oysters the best chance for survival (the oysters filter water but need oxygen). The proposed placement of the floating wetlands is at the canal ends (the floating wetlands add oxygen to the water).

The CIB has to apply for permits with DNREC. The CIB needs a letter from the Town Council saying the CIB can put the oyster cages and floating wetlands at the specified locations.

Mr. Stephan said the floating wetlands will be owned by the Town and the oyster cages will be owned by the CIB.

Mayor Voveris asked how the floating wetlands will be maintained. George Junkin said they have to be maintained by whoever wants a floating wetland near their house. Councilmember Weisgerber said the CIB is going to repopulate (refresh) the wetlands when they move them.

In response to a question from Councilmember Callaway regarding maintenance, Mr. Stephan said once a year the CIB will lift the oyster cages off the bottom to check them out.

The CIB does not want to keep the oysters where they are currently located in the York Canal because they want to measure what happens to the York Canal when the oysters are not there anymore.

Councilmember Schrader will contact the Town Solicitor regarding indemnifying the homeowner if a boat does hit an oyster cage or floating wetland.

In response to a question from Councilmember Stevenson, Mr. Stephan said DNREC will contact the appropriate property owners as part of their process and there will be a public comment period over 30 days. Mr. Stephan said he has prepared a letter to send to property owners telling them they will be hearing from DNREC.

Motion and Vote: A motion was made by Councilmember Weisgerber, seconded by Councilmember Boteler, that Council approve the placement of oyster cages and floating wetlands. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

ADJOURNMENT

Before adjourning Mayor Voveris announced the Inland Bays Foundation 3rd Annual Love Our Inland Bays Dinner. A handout was available on the sign-in table which included the following information: The dinner is Wednesday, November 30, at 6 p.m. at Irish Eyes Restaurant in Lewes. Prepay reservations by November 28. Tickets on sale at www.inlandbaysfoundation.org.

Motion and Vote: A motion was made by Councilmember Boteler, seconded by Councilmember Stevenson, to adjourn the October 27, 2016, Town Council Workshop Meeting at 4:45 p.m. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.