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| <b>TOWN OF SOUTH BETHANY</b><br><b>TOWN COUNCIL REGULAR MEETING MINUTES</b><br><b>MARCH 11, 2011</b> |
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**ATTENDANCE**

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Bob Cestone, Tim Saxton, Sue Callaway, George Junkin, and Jim Gross; Town Manager Melvin Cusick; M/Cpl. Eric Watkins; and Administrative Assistant Pam Smith

**MEETING CALLED TO ORDER**

Mayor Headman called the March 11, 2011, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**PROPERTY OWNERS' PARTICIPATION**

- Barbara Jayne (1 S. 7<sup>th</sup> St.) – Announced that Saturday May 14, 2011, from 9 a.m. to 1 p.m. is the Native Plant Sale at James Farm Ecological Preserve, Cedar Neck Road, Ocean View. This year they will be featuring rain barrels including rain barrels you can decorate.
- Pat Voveris (502 S. Ocean Dr.) – Inquired about the resolution regarding the paving of Ocean Drive. Ms. Voveris also asked if a timetable has been established for the project from start to finish. Mayor Headman stated that most of Ms. Voveris' questions would be answered during the Ordinances/Resolution portion of the meeting.
- Tom Roche (141 Henlopen Dr.) – Regarding Mediacom, complained about the amplitude variation from channel to channel. Mayor Headman stated that he would call Mediacom to get it corrected.
- Lloyd Hughes (152 Layton Dr.) – Asked what advantage it is to the Town by signing up with Mediacom. Mayor Headman stated that in order to use the Town's right of ways where Mediacom buried the cables, Mediacom is required to pay the Town a 5% franchise fee.
- Mary Suazo (7 S. 3<sup>rd</sup> St.) – Hopes the Town will be able to get the word out to the property owners about the March 19 Budget and Finance Committee Meeting for Public Input Regarding FY12 Budget. Ms. Suazo also announced that the Historical Society has sent letters to the former Mayors requesting that they fill out a questionnaire and to also arrange an interview with them. Ms. Suazo stated that she has already gotten responses from a couple of the former Mayors. She said it is a community project and she hopes to get community support. Ms. Suazo appreciates the Mayor and Council's support.

**ADOPTION OF MINUTES**

- **Town Council Workshop Meeting Minutes, February 24, 2011** – A motion was made by Councilman Cestone, seconded by Councilman Gross, to accept the February 24, 2011, Town Council Regular Meeting Minutes. The motion was unanimously carried.
- **Town Council Executive Session Minutes, February 24, 2011** – A motion was made by Councilman Cestone, seconded by Councilman Gross, to accept the February 24, 2011, Town Council Executive Session Minutes. The motion was unanimously carried.

## **ADMINISTRATIVE MATTERS**

- **Adoption of 2011 Sussex County Tax Assessments** – Mayor Headman stated that the Town Charter requires that we annually notify the public that the Town will be using assessments established by the Sussex County Board of Assessment for the purpose of evaluating property tax assessments for properties located within the corporate limits of the Town. As in previous years, the Town of South Bethany elects to use the assessment and any supplementary assessment listing established annually by the Sussex County Board of Assessment for FY2012 property taxation purposes.

A motion was made by Councilman Cestone, seconded by Councilman Gross, that the Town of South Bethany use the assessment and any supplementary assessment listing established annually by the Sussex County Board of Assessment for FY 2012 property taxation purposes. The motion was unanimously carried.

- **Approval of Town Survey**

Mayor Headman thanked the Planning Commission for doing the initial draft of the survey and Councilman Junkin for all of his work on the survey.

Council discussed the South Bethany Comprehensive Plan Community Questionnaire dated March 8, 2011. The following changes were made:

- Councilman Junkin read a letter from Mayor Headman which will be put at the top of the first page of the survey to introduce it.
- Council agreed to have the return date deadline one month after the Town mails the survey.
- Page 2: Will change to put in the following order: Very Satisfied (5), Satisfied (4), Unsatisfied (3), Very Unsatisfied (2), No Opinion (1). Change Not Satisfied to Unsatisfied.
- Page 3: Will change to put in the following order: Very Much Needed (5), Needed (4), Not Needed (3), Not Wanted (2), No Opinion (1). Delete A.4 and B.2 and add another line at the bottom that says *Add your suggestion*. Put A and B in bold print. Council discussed N. Underground utilities (electrical, cable, telephone). Because Council does not have a substantiated cost for the project, Council agreed to delete it from the survey.
- Page 4: Change "from 7 A.M. to 10 A.M." to "between 7 A.M. and 10 A.M."

A motion was made by Councilman Junkin, seconded by Councilman Fields, that Council send out this survey as amended today. The motion was unanimously carried.

## **LEADERSHIP REPORTS**

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

Beach Replenishment: Spoke with Tony Pratt. The work will begin June 1 and will end July 1. A certain section of the beach will be done at a time and that section will be taped off. Also, currently DNREC is pushing sand to build up the dune in Bethany Beach. When DNREC completes Bethany Beach, they will come to South Bethany (before the dredging begins) and start moving sand to build back South Bethany's dunes.

Mediacom Meeting: The Town is in negotiations with Mediacom. It is not an exclusive agreement. Other cable companies could come into South Bethany. Calls have been made to try and find out if other companies would be interested, but no other companies have stepped up. South Bethany is involved with multiple towns who are negotiating together in order to have a little more power and influence. The contract will be mailed to the Town. The Council will review it and make a decision. The public will also have an opportunity to review it and be involved with it.

Attended the monthly SCAT Meeting. The elected State Representatives were present. The focus was on continuing the transfer tax at the same level (1½%) and making sure the Municipal Street Aid (MSA) funds are in the budget. Last year the Town received over \$41,000 from the State in MSA funds. It was also discussed at the meeting that Sussex County is the only county in the state that does not have a public place where citizens can take their yard waste. SCAT is asking that there be a public place in Sussex County for citizens to take their yard waste.

Attended a meeting regarding the Assawoman Canal Trail. The purpose of the meeting was to show new renderings of a map and pictures. No final decisions were made. The Town was given a document to review and comment on. Hopefully the trail will be something that will ultimately be worked on and completed.

Attended the BBVFC Ambulance Service Sponsors Meeting regarding the periodic review of the ambulance service budget. The ambulance service budget is in good shape.

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

The Town Manager thanked the Administrative Assistant for developing the Trash, Recycling, Yard Waste, & Trash Collection Calendar. The Town developed the calendar to assist property owners with the three services offered by the Town.

Because there is no public place in the county for residents to take yard waste, a property owner inquired if Council had considered making yard waste pickup more frequent in the summer. Mayor Headman stated that Council decided to try it once a month, but realizes that may not be perfect. Council may have to change or adjust the schedule.

Regarding the yard waste pickup, the Town Manager reminded property owners to have their yard waste out to the curbside the night before pickup day or at least by 8 a.m. Also, the Town has to pay for the labor of taking yard waste material out of the black plastic garbage bags. To help keep the cost down, the Town is encouraging property owners to use recyclable paper bags for their yard waste. The recyclable paper bags can be purchased at Home Depot or Lowes for \$2. The Town's yard waste collection contractor is ordering the recyclable paper bags in bulk and hopes to sell them to property owners for \$1. Mayor Headman thanked the Town Manager for his work in arranging for yard waste pickup. Mayor Headman noted that most towns have not made arrangements yet.

- **Treasurer's Report**—Tim Saxton reported as of February 28, 2011:

|                         |              |
|-------------------------|--------------|
| Balance Brought Forward | \$ 1,754,000 |
| February Revenue        | \$ 25,775    |
| February Disbursements  | \$ 113,496   |
| Balance                 | \$ 1,666,534 |

The review today at the Budget and Finance Committee Meeting continues to show that the Town is on track. Mayor Headman thanked Councilman Saxton for his leadership and his reporting on the Budget and Finance Committee. Mayor Headman added that the work they are doing has been extremely helpful to the Town.

- **Police Department Report/Questions**—M/Cpl. Eric Watkins reported for the month of Feb., 2011:

Mayor Headman announced that M/Cpl. Watkins received the Bethany-Fenwick Area Chamber of Commerce Joshua M. Freeman Valor Award for South Bethany's Officer of the Year on Friday, February 11, 2011.

- Feb. 3 False alarm on W. 10<sup>th</sup> St.
- Feb. 4 Violation of local code at York Beach Mall. Subject was found sleeping in a vehicle.
- Feb. 5 Agency assist with the Fenwick Island Police for a DUI traffic stop.
- Feb. 7 DUI arrest on Seaside Dr. and Rt. 1.
- Feb. 9 Assisted Ocean View Police with a DUI traffic stop.
- Feb. 10 Violation of local code. Prohibitive construction which was turned over to the Building Inspector.
- Feb. 11 Verbal domestic on Bayshore Dr.
- Feb. 13 Violation of local code on Carlisle Dr. Prohibitive construction.
- Feb. 13 Theft from Anchorage Dr. Unknown subjects removed property from the victim's residence.
- Feb. 15 Parking complaint on Henlopen Dr. Vehicle was moved.
- Feb. 21 False alarm on Elizabeth Way.
- Feb. 23 False alarm on Petherton Dr.

### **ORDINANCES/RESOLUTIONS**

- **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**

Mayor Headman read Resolution No. 3-11. Mayor Headman stated that the Town's Charter requires that the Town hold a special election whenever the Town proposes spending over \$100,000 on a capital improvement project. The process is to pass this resolution tonight, hold a public hearing on April 15, 2011, at 6 p.m., and if Council agrees, hold the special election on the day of the Town Election (May 28, 2011).

A motion was made by Councilman Fields, seconded by Councilman Cestone, that the Council approve Resolution No. 3-11. The motion was unanimously carried.

### **COMMITTEE REPORTS**

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

Work has begun on the proposed plan on the median strip. Some of the old shrubs are being removed. We are getting ready for the initial phase of planting the crepe myrtle trees along the median. The Town can do a couple of the trees with the carry over funds for FY11 as

well as accommodate all of the other beautification needs for the spring. In the next couple of months the Committee will be pursuing a tree grant from the Delaware Forestry Service.

The Beautification Committee Meeting will be on March 24, 2011, from 10:30 a.m. to 12:30 p.m. at Town Hall.

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

- **Budget and Finance Committee Report**

The FY 2012 Budget was presented to the Town Council at the February Workshop. At the March 11, 2011, Budget and Finance Committee Meeting the Committee accepted all changes from the Council.

The draft budget is posted on the Budget and Finance page of the Town's website for property owners to view prior to the public hearing on March 19, 2011, at 1 p.m. at Town Hall. A hard copy is also on file at Town Hall for property owners to review. Mayor Headman thanked the Financial Administrator, the Administrative Assistant, and Councilman Saxton for getting the budget on the website. Mayor Headman stated that the goal is to give property owners an opportunity to look at the budget and make comments on the budget.

Councilman Saxton stated that one difference in this year's plan is that the long range planning budget is in place although Council is trying to work out what all of those things have to be.

Councilman Fields stated that Council has approved \$180,000 in the FY 2012 Budget for the repaving of Ocean Drive.

- **Town Council Vote on Change in New Employee Health Care Plan**

Councilman Saxton stated that at the March 11, 2011, Budget and Finance Committee Meeting the Budget and Finance Committee's recommendation was to go with the plan that was passed at the February 24, 2011, Town Council Workshop Meeting. The Committee also recommended that Council discuss this at the March Town Council Workshop Meeting because the Committee feels it is a Council decision.

Councilman Junkin stated that he does not see a reason why Council should spend more time talking about this. He said the Council had a vote at the February Workshop which was consistent with what the Budget and Finance Committee recommended. A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council keep the plan as it was approved at the February Workshop and that the Council not discuss it further at the next Workshop. After a voice vote, Mayor Headman stated that the voting result was 3 in favor and 4 against. Councilman Fields called for a division and requested that Council vote by a show of hands. The voting result was 2 in favor, 4 against, and 1 abstained. The motion was defeated.

A motion was made by Councilman Fields, seconded by Councilman Cestone, that the Council approve the attached health care cost schedule for all Town of South Bethany employees. According to the schedule, all employees will have the same cost sharing options except those employed after March 1, 2010, who will be required to pay the difference in the monthly cost between the Basic Health Care option and a more expensive option of their choice. There was a discussion. Councilman Fields stated that the employee will pay 5% of the health cost for the employee and 10% for the family option without backing out the 5%, and new employees will get the same benefits at the basic health care level as old employees except that if they choose an option other than the basic option they will pay the town's cost for that plus the 5 or 10 percent just like the other employees. Councilwoman

Callaway stated for the record, "This has been a really tough decision for me because my proposal that didn't go anywhere was that the existing employees do not see any increase whatsoever. I felt that they should be 'grandfathered' in and that we should make up for it with the employees that were hired after March 1, 2010." She added, "I feel this extra increase on future employees will help to curtail any future increases for the existing employees." Mayor Headman called for a vote. Councilman Fields requested a roll call. The voting was as follows:

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

AGAINST THE MOTION: None

ABSTAINED: Councilperson Saxton

The motion carried with a 6-0 vote.

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

No new information to report.

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

Councilman Gross summarized the 2010 Planning Commission Report (attached). Councilman Gross added that at the Planning Commission Meeting on December 30, 2010, the Planning Commission members elected Dick Oliver as the new Chairperson and reelected Sandi Roberts as the Vice Chair.

### **ADJOURNMENT**

A motion was made by Councilman Fields, seconded by Councilman Cestone, to adjourn the March 11, 2011, Town Council Regular Meeting at 8:10 p.m.

PHS:Regular Meeting Minutes.3.11.11

Attachment: Health Care Cost Schedule (Health Insurance Plans Adopted 3/11/11)