

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES MAY 14, 2010
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ATTENDANCE

PRESENT: Mayor Gary Jayne; Councilpersons John Fields, Jay Headman, Tim Saxton, Diane Matera, Marge Gassinger, and Rob Youngs; Town Manager Melvin Cusick; M/Cpl. Eric Watkins; and Town Clerk Dee Burbage

MEETING CALLED TO ORDER

Following the Public Hearing on Ordinance 153-10, Mayor Jayne called the May 14, 2010, Town Council Regular Meeting to order at 7:15 p.m., followed by the Pledge of Allegiance to the Flag.

COMMENTS BY COUNCIL CANDIDATES AND QUESTIONS AND ANSWER PERIOD

The following Council candidates had three minutes to make their presentation followed by a question and answer period:

- Jay Headman (Mayoral Candidate)
- Rob Youngs (Mayoral Candidate)
- Sue Callaway (Council Candidate)
- John P. Fields (Council Candidate)
- George Junkin (Council Candidate)
- Michael G. Morabito (Council Candidate) (Was not present.)
- Andrew Ross (Council Candidate)
- Mary L. Suazo (Council Candidate)

PROPERTY OWNERS' PARTICIPATION

- Bob Cestone (140 New Castle Dr.) – Inquired if the Town had given any thought on the impact the State's approval of mandatory recycling for the entire state will have on the Town's recycling fee or process. The Town Manager stated that the bill was just passed this week and the Governor had not yet signed the bill. He said that the bill calls for private waste haulers to provide recycling, and the haulers will charge the people in their trash bill. The Town Manager believes municipalities that pick up their own trash will receive grant money from the deposit bill to buy carts and so forth. Mr. Cestone inquired if the revenue received from the deposit would offset what South Bethany property owners pay now for recycling. The Town Manager stated that he does not know. Councilman Headman added that the hope is that by recycling the amount of trash in the landfills would be reduced which can come back to help the town because trash haulers are charged tipping fees based on the amount of trash dumped in the landfills. Tipping fees are increasing as much as 50%. Councilman Headman stated that the Town may see a trade off. Councilman Headman stated that it is not clear what the money is specifically going to go toward. Mr. Cestone thinks that once the initial costs go away, the money would be applied toward the operational expenses. Councilman Headman believes that is their hope, but he does not know that. Mayor Jayne said the Town will have to see how it shakes out, but for the interim the Town's refuse collection will stay the way it is.
- Ed Nazarian (20 Peterson Dr.) – Referring to the instructions on the Allied Waste recycling cart lid, Mr. Nazarian asked why people can't put everything that is recyclable into the cart. The Town Manager stated that it is supposed to be identical to what the Town had with DSWA.

- Norm Montigny (309 W. 9th St.) – Said that he called Allied Waste about the label on top of the lid and they said you could recycle the same things as before regardless of what the label on the lid says.
- Mike Matera (311 W. 9th St.) – Announced the community yard sale on May 29th and 30th and reminded property owners to call the township to get their names on the list.
- Bonnie Lambertson (324 York Dr.) – Addressing Mayor Jayne, Ms. Lambertson stated that she appreciates his good service for the last six years, and many people in her area wish him well and thank him for his service. There was applause.
- Mike Matera (311 W 9th St.) – Stated that he had seen the state prisoners picking up trash on the highway and also in the town park in Dagsboro. The Town Manager stated that the Town is trying to schedule the state prisoners to clean the Richard Hall Memorial Park.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, April 9, 2010** – A motion was made by Councilman Saxton, seconded by Councilman Youngs, to accept the April 9, 2010, Town Council Regular Meeting Minutes. The motion was unanimously carried.
- **Town Council Special Meeting/Workshop Notes, April 22, 2010** – A motion was made by Councilman Headman, seconded by Councilman Youngs, to accept the April 22, 2010, Town Council Special Meeting/Workshop Notes. The motion was unanimously carried.

LEADERSHIP REPORTS

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

The Friends of the South Coastal Library still needs volunteers for the Beach and Bay Cottage Tour.

The 6th Annual Gardening for the Bays Native Plant Sale will be May 15 from 9 a.m. to 1 p.m. at the James Farm Ecological Preserve on Cedar Neck Road in Ocean View.

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

The President declared the two snowstorms in the winter of 2010 national emergencies. The Town submitted just under \$4,400 of approved expenses and will probably receive about \$3,300 in reimbursements from FEMA for the snowstorms.

- **Treasurer's Report**—Tim Saxton reported as of April 30, 2010:

Balance Brought Forward	\$ 1,311,752
April Revenue	\$ 47,669
April Disbursements	\$ 137,147
Balance	\$ 1,222,273

This is the end of FY 2010. The Town's revenue matched up to 101% of the budget. Some areas had shortfalls and some areas did better than budgeted. The Town is managing to keep expenditures under expectations at around 96% of budget which includes paying off the donation owed to the Friends of the South Coastal Library. Going forward the Town needs to pay attention to tax revenue and some other areas.

- **Police Department Report/Questions**—M/Cpl. Eric Watkins reported for the month of April, 2010:

- April 6 Civil dispute on Petherton Dr. between a contractor and a homeowner.
- April 9 Burglary call on Brandywine Dr. which later was discovered not to be a burglary.
- April 10 Agency assist for a medical call on Victoria Rd. Subject had fallen from a ladder onto his van. He was taken by EMS to Beebe for treatment.
- April 10 Burglar alarm on Anchorage Dr. This was found to be a false alarm. The residence was secure.
- April 16 Criminal mischief complaint on S. 9th St. Unknown suspect damaged the victim's window and screen to their house, but no entry was gained to the residence.
- April 16 Complaint about a helicopter flying at tree top level on Rt. 1. The police contacted the FFA in reference to this incident.
- April 23 False alarm on Seaside Dr. set off by contractors doing work at the residence.
- April 29 Agency assist with Bethany Beach Police with a drug arrest on Rt. 1.
- April 29 Burglar alarm on Plymouth Rd. which was found to be a false alarm.

M/Cpl. Watkins reported that the police apprehended the criminals that did all of the burglaries in Cat Hill over the last couple of months. Two people have been arrested, and there is possibly going to be a third person arrested. There are 96 charges on them so far. One of the criminals is from Bethany Beach and one is from Dagsboro. It is still under investigation. All of the victims will be contacted and they can check to see if their property was recovered. M/Cpl. Watkins noted that there was not much property recovered. He stated that the victims are entitled to restitution through the State.

ORDINANCES/RESOLUTIONS

- **Third Reading of Ordinance 153-10, Amending Chapter 145, Zoning, to add § 145-14.3, "Ground covering allowed in setback area" (Jay Headman and John Fields)**

Councilman Fields stated that he hopes this Council has the will to take this step in cleaning up the water in the canals in South Bethany. He said that this ordinance will not clean the canals, but it is a step in that direction. He said it is one of many steps that will have to happen in order to see cleaner water in the canals. He noted that the ordinance does not cost anybody anything, it doesn't hurt anything, and if the Town doesn't make some kind of effort to do anything then it can't ask DNREC and the federal government to help the Town clean the water in the canals. Councilman Headman stated that this is just a step, but he believes restricting the amount of impervious surfaces that will be in South Bethany in the future is an important step.

Mayor Jayne declared this the third reading of Ordinance 153-10.

A motion was made by Councilman Fields, seconded by Councilman Headman, that the Council approve Ordinance 153-10. The voting was as follows:

FOR THE MOTION: Mayor Jayne and Councilpersons Fields, Headman, Saxton, Matera, and Gassinger

AGAINST THE MOTION: Councilman Youngs

The motion carried with a 6-1 vote.

- **Second Reading of Ordinance 154-10, Chapter 145, Zoning, to Further Define Structures Allowed in the Setback (Tim Saxton)**

Councilman Saxton thanked Councilman Fields for his help in reworking the ordinance after receiving comments at the first reading. He also thanked Bob Cestone for his input at the first reading. Councilman Saxton reviewed the synopsis. Councilman Saxton noted that the changes to § 145-38F, G, H, and J are proposed to clean up the Code so that it matches throughout. Councilman Saxton stated that § 145-38K, which is the original intent of the ordinance changes, is to allow clotheslines and swing sets in the rear setback as long as they are no closer than five feet to the property boundary lines.

Regarding § 145-38K, Councilman Fields asked Council if they think five feet is adequate. No Council member had an objection to the five feet.

Ed Nazarian believes five feet on the canal side is a little dangerous and suggested putting it back a little further. He also said that one size does not fit all because the setbacks are so different.

Norm Montigny suggested making it five feet from the building as opposed to five feet from any property line.

George Junkin suggested making it no closer than 50% of the setback.

Sue Callaway asked if this means property owners can't put clotheslines on the side of their houses. She added that most people along the canals have their clotheslines on the side between the houses rather than in the back blocking the view. She said that on the canal lots, the back yard is almost like the front yard. Councilman Saxton said he would have to go back and look at the setback, but the intention is to have the clotheslines in the rear.

Councilman Saxton said his intention is that the ordinance works for the whole town and not just for the east side, west side, canals, or non canals.

Gene Hendrix suggested leaving it up to the property owner. Councilman Saxton said that the way the Code is currently written property owners can't put up clotheslines and swing sets.

Bob Cestone suggested changing the wording to clotheslines and swing sets are allowed in the rear and side setbacks no closer than 5 feet from the property boundary lines except if the side setback abuts the street.

Councilman Fields said there is nothing in the Code that defines side setbacks and questioned if the side setback runs from the front of the property to the rear of the property or just the width of the house.

Councilman Fields and Councilman Saxton agreed to work on § 145-38K for the third reading.

Mayor Jayne declared this the second reading of Ordinance 154-10.

COMMITTEE REPORTS

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

There was nothing to report.

- **Canal Water Quality** – Councilman Headman reported:

Councilman Headman thanked the South Bethany Property Owners Association (SBPOA) for putting information on their website regarding the Canal Water Quality Committee.

On May 20th and 21st DNREC will be offering rain barrels, which are recycled terracotta colored barrels originally filled with olives and pickles, at their Lewes facility off Pilottown Rd. The cost is \$66 each.

On May 20th the Center for the Inland Bays will host a public meeting for the public to hear and comment on a plan to clean up polluted stormwater that is running off Highway 1 and polluting Little Assawoman Bay near Bethany and South Bethany. This is in regard to the Anchorage Canal Drainage Area Assessment Study.

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

The Budget and Finance Committee has finished its first year of work and was successful in meeting all of the goals it set out for itself at the beginning of the year. The committee helped and worked closely with the Town Manager and Financial Administrator, managed the budget for the year, came up with a balanced budget, and came up with a long range planning and savings plan going forward.

The committee met this last month to start setting its agenda for FY 2011. At the next Budget and Finance Committee meeting the committee will be finalizing a list of agenda items to accomplish in FY 2011.

The committee plans to meet once a month. Through August, the committee will meet the afternoon of the Town Council Regular Meetings.

Councilman Saxton encouraged people to come to the Budget and Finance Committee meetings. He stated that there is a public comment session at the start of the meeting and a public comment session at the end of the meeting. The first meeting will be in June, and the main topic will be lessons learned from last year and things the committee needs to do to improve the budgeting process.

SOUTH BETHANY HISTORICAL SOCIETY PRESENTATION (Mary Suazo)

Ms. Suazo reported that the Historical Committee started in the summer of 2009 when a group of citizens of the community got together and planned the celebration for the 40th anniversary of the incorporation of South Bethany. At this time the committee found that there was little written material on the history of South Bethany. Recently the committee changed its name to the South Bethany Historical Society. Carolyn Marcello and Mary Suazo are the Co-Chairpersons of the committee. For their first project, the committee interviewed Sandra McCabe (owner of York Beach Mall) and her daughters, Rebecca (owner of McCabe's Gourmet Market) and Kimberly (owner of Made by Hand). They talked about the history of York Beach and Paradise Shores. Mary Suazo also interviewed Mayor Terrill and his wife Helen, who along with Carolyn Marcello's sister, May Felerski, were instrumental in getting the annexation of York Beach and Paradise Shores. While looking for information, the committee found a booklet, Reflections of the Quiet Resorts, which was published in 1987 by the Bethany-Fenwick Chamber of Commerce. The booklet contains an article about South Bethany. The committee has gotten permission from the Chamber of Commerce to reproduce the booklet.

Ms. Suazo invited all members of the community to participate in the South Bethany Historical Society. The committee needs help interviewing people and writing articles. The committee plans to interview the former Mayors as well as some "old timers".

The next meeting of the South Bethany Historical Society will be Monday, June 7, 2010, at 10 a.m. at Town Hall.

ADJOURNMENT

Before adjourning, Council agreed to cancel the May 27 Town Council Special Meeting/Workshop.

Mayor Jayne stated that this is his last Town Council meeting and he thanked all of his colleagues from the various Councils that he served with and who supported him over the years. Mayor Jayne especially thanked Marge Gassinger who was his "pinch hitter" whenever he was out of town. Mayor Jayne also thanked the Town Staff and Police Department. He thanked the Town Manager, Melvin Cusick, and the Chief of Police, Joe Deloach, saying that they are "two first class gentlemen who are also very competent and very dedicated to the Town."

Using the gavel for the first time in six years, Mayor Jayne adjourned the May 14, 2010, Town Council Regular Meeting at 8:45 p.m.