

<p>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES JUNE 10, 2011</p>
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ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Pat Voveris, Sue Callaway, George Junkin, and Jim Gross; Town Manager Melvin Cusick; Ptlmn. Patrick Wiley; Beach Patrol Captain Ben Chandlee; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilman Al Rae

MEETING CALLED TO ORDER

Mayor Headman called the June 10, 2011, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

PROPERTY OWNERS' PARTICIPATION

- Mike Matera (311 W. 9th St.) – Referring to a petition/letter he had turned in to the Town in 2006 about putting a sidewalk between Russell Road and Tamarack Drive, Mr. Matera inquired if there was ever any discussion about it. Mayor Headman stated that he had not seen the petition/letter but Council did discuss it a few years ago. At that time Council decided to use the money to complete the project on York Road. Mr. Matera stated that people walk on the wrong side of the street and cyclists ride on the wrong side of the street. He suggested putting up signs indicating which way to walk and ride bikes. Mayor Headman stated that he would look into it and that the Town does not want anyone to get hurt. Mayor Headman noted that in the past there has been a push and pull in town regarding too many signs and not enough signs.
- Dan Cowell (110 Henlopen Dr.) – Stated that the pedestrian only walkways are minimally identified as such. He stated that for safety reasons bikes need to be kept off the pedestrian only walkways. Mr. Cowell believes the lettering on the pavement needs to be more direct and emphatic and should unmistakably say "No Bikes Allowed". The Town Manager stated that the Town did order larger stencils that say "Pedestrians Only". The Town's Maintenance Department has sprayed the grass along the edges of the walkway. When that takes affect, the Town will have a contractor reseal the walkway and then the Town will put the new stencils down as well as the pedestrian emblem.
- Ed Nazarian (20 Peterson Dr.) – Does not believe the Town is picking up the yard waste often enough. When it rains the bags deteriorate and the bottoms fall out when they are wet. When the yard waste is wet it weighs more and the Town is paying double. Mr. Nazarian believes the Town needs to look at this much further. Mayor Headman stated that it is a dilemma for the Town. At the last two Workshop meetings Council discussed going to more pickups. The majority of the Council decided not to. Mayor Headman stated that the issue of yard waste was mandated by the State. The Towns are trying to set up a meeting with the State to help find solutions. Mayor Headman stated that the Town is over budget on yard waste and there are still nine months to go. Mayor Headman noted that some towns have chosen not to have yard waste pickup because of the difficulties associated with it. Mayor Headman complimented the Council and Town Manager for their efforts in trying to get it done. He stated that the Town has a problem and the Council knows it. Ultimately they will get it solved, but for now Council decided not to go to another scheduled pickup. Council will continue to look at it and next year there will probably be a different plan or schedule.

ADOPTION OF MINUTES

- **Town Council Workshop Meeting Minutes, May 26, 2011** – A motion was made by Councilman Junkin, seconded by Councilman Gross, to accept the May 26, 2011, Town Council Workshop Meeting Minutes as amended by Councilwoman Callaway as follows:

Page 2, First Paragraph:

Change

"The Town of South Bethany is not going to have to come up with \$14,000 in matching funds. As matching funds the Town can use money spent a year prior to this on trees and excavation in town and the Maintenance Department's time spent treating phragmites as well as other work the Maintenance Department has done. The DOA is very willing to work with the Town regarding matching funds. This is in conjunction with the funds and work from the storm water management project that is being done on the Rt. 1 median with DelDOT and the CIB. The trees would have to be planted by November 30, however there is a possibility of an extension if things don't synchronize quite right with the storm water management project."

To read

"As matching funds the Town can use money spent a year prior to this on trees and excavation in town and the Maintenance Department's time spent treating phragmites as well as other work the Maintenance Department and volunteers have done. The DOA is very willing to work with the Town regarding matching funds. The tree planting is to be done in conjunction with the funds and excavation work from the storm water management project that is being done on the Rt. 1 median with DelDOT and the CIB. The trees would have to be planted by November 30, however there is a possibility of an extension if schedules don't synchronize quite right with the storm water management project."

The motion was adopted.

- **Town Council Executive Session Minutes, May 26, 2011** – A motion was made by Councilman Junkin, seconded by Councilman Gross, to accept the May 26, 2011, Town Council Executive Session Minutes. The motion was adopted.
- **Town Council Organizational Meeting Minutes, June 4, 2011** – A motion was made by Councilwoman Callaway, seconded by Councilman Junkin, to accept the June 4, 2011, Town Council Organizational Meeting Minutes. The motion was adopted.

LEADERSHIP REPORTS

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

Mayor Headman recognized and thanked Councilpersons Gross and Voveris for serving on Council for the next two years. He thanked Councilpersons Junkin, Callaway, and Fields for their continued hard work on Council and noted that they will be up for election next May. Mayor Headman announced that Council appointed Al Rae to fill the vacant Council seat for one year. Mayor Headman thanked Bob Cestone for filling a one year term this past year.

Mayor Headman thanked Kathy Jankowski for serving as the South Bethany Property Owners Association (SBPOA) President for the past two years. He noted that John Eckenrode is the new SBPOA President. Mayor Headman thanked the SBPOA for the excellent Bull Roast. He stated that the Bull Roast is a nice tradition for the town to have. Mayor Headman thanked the SBPOA for their donations to the Water Quality Committee and

the Beautification Committee. He also thanked them for the 2011-2012 South Bethany Telephone Directory & Buyers Guide which recently came out.

Regarding MSA funding, the Town sent a letter to the State asking that \$4 million of the anticipated surplus being realized by the State be allocated for additional Municipal Street Aid (MSA) funding.

Through the help of Representative Gerald Hocker, Mayor Headman is trying to get a meeting set up in the southern part of Sussex County regarding the recycling and yard waste bills.

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

This past winter the Town received an energy grant through the Delaware Office of Energy. The grant was federal stimulus money and was 100% funded – no town funds were involved. The grant paid for a required energy audit to see where energy improvements could be made in the three town buildings. The grant also paid for the following recommended improvements: Additional weather stripping on all the doors in the Town Hall and Police Department buildings, programmable thermostats, and new insulated garage doors on the Maintenance building. The total grant amount received was \$9,571.

The Town received a matching grant from the Delaware Parks and Recreation Division in the amount of \$30,102.50 for Mobi-Mats. The Town will receive a little more money from this grant for the installation of the Mobi-Mats and the removal of the Mobi-Mats in the fall.

Most of the Mobi-Mats have been put out. The Town Manager encourages people to try them and see what they think about them but to keep in mind that the Mobi-Mats will probably have a different configuration after beach replenishment because the walkways will be different.

The sand fencing is not a town responsibility it is DNREC's responsibility. DNREC is slowly working on it, but they only have a five man crew for the entire state.

The Town Manager thanked the staff for their work on Saturday of Memorial Day weekend. Town Hall was busy selling parking passes and answering a lot of questions and concerns from people coming back into town for the first time since last summer. The Maintenance Department did an excellent job of getting the beach ready for the weekend. The Town received a lot of compliments on that. He also thanked the Beach Patrol Captain for his work in getting the lifeguards ready for the first holiday weekend. Mayor Headman thanked the staff and the Town Manager for their work in getting ready for the summer season.

Councilman Fields inquired if the Town had received any complaints about the gap between the wooden planks and the Mobi-Mat at the handicap ramp on S. 3rd St. The Town Manager stated that the Town had not received any complaints about it. Councilman Fields said ideally the ramp should be extended out to the Mobi-Mat and wondered if the Town could do that or not. The Town Manager said the Town could not because it is the State's ramp and it will change after beach replenishment. The last he heard from the State was that after beach replenishment the handicap ramp will have the same configuration it had in 2007 after beach replenishment. The Town Manager stated that the ramp will probably be this way just for this summer. Mayor Headman stated that the Town will look at it.

- **Treasurer's Report**—Pat Voveris reported as of May 31, 2011:

Balance Brought Forward	\$ 1,532,086.08
May Revenue	\$ 365,014.89
May Disbursements	\$ 300,077.53
Balance	\$ 1,597,023.44

All departments are operating within budget.

The total transfer tax for May of FY 2012 was \$36,937.96 compared to \$19,228.52 in May of FY 2011. Councilwoman Voveris said that is a very nice increase and a great economic indicator that things are on the way up.

Overall, on the operating budget the revenue is at 15% of budget and expenses are only at 9% of budget.

- **Police Department Report/Questions**—Ptlmn.Patrick Wiley reported for the month of May, 2011:

- May 1 Assisted Fenwick Island in apprehending a local fugitive as a result of a traffic stop.
- May 2 Criminal mischief incident on Jamaica St. Unknown subject used a cigarette lighter to burn a stud at a new house that was under construction. The investigation is pending and active.
- May 3 Intrusion alarm on W. 8th St. False alarm. Home was secure. No signs of forced entry.
- May 5 Alarm on Sea Side Dr. False alarm. Residence was secure.
- May 11 Local fugitive apprehension on Rt. 1. The subject was stopped for traffic violations and discovered to have outstanding warrants. Subject was turned over to the agency that had issued the warrants for his arrest.
- May 11 Medical assist on Rt. 1 and N. 6th St. The subject was having a diabetic issue while he was driving. EMS was contacted. They arrived on the scene and treated the individual.
- May 13 Burglary on S. Ocean Dr. Unknown subjects removed the victim's flat screen TV and a Cuisinart brand blender from inside the residence. There were no signs of forced entry. The investigation is pending. The victim stated he believes that either he or his realtor might have accidentally left one of the doors to the residence open.
- May 16 Disorderly subject on Layton Dr. Subject was intoxicated and had been locked out of the residence by the family. Once the police arrived on scene the subject calmed down enough to where the family took him back inside and put him to bed.
- May 18 Burglary on Mays Way. Unknown subject attempted to break into the victim's residence. This occurred between the 12th of February and the 18th of May. No entry was gained at the residence. There was minor damage to the door frame.
- May 22 Loud party on Sea Side Dr. It was shut down and no further action was required.
- May 25 Intrusion alarm on Sea Side Dr. set off by a cleaning crew.
- May 27 Medical assist on New Castle Dr. The subject had passed out and fallen. He was turned over to Station 70 Emergency Medical Services for treatment.
- May 27 Property damage accident on S. 3rd St. Parties involved exchanged information.

- May 28 Fireworks complaint on the beach in the area of Division St. Police responded. Subjects were gone once the officer arrived on the scene.
- May 28 Loud party on Anchorage Dr. Party was shut down without incident.
- May 28 Loud party on Tern Dr. Party was shut down without incident.
- May 30 Loud party on Division St. When the police arrived on the scene everyone was leaving the party. No further action required.
- May 31 Suspicious person on Ocean Dr. No crime was committed. The people who were out there were supposed to be there.

Councilman Gross stated that many cars do not stop at the stop sign at Ocean Drive and S. 3rd St. which is where the handicap walkway is. He suggested that the Police Department give tickets in that area to set an example. Ptlmn. Wiley said that he would pass Councilman Gross' request onto Chief Deloach.

- **Beach Patrol Report**—Capt. Ben Chandlee reported:

Since Memorial Day weekend the Beach Patrol has been on duty from 10 a.m. to 5 p.m. on weekdays and 10 a.m. to 5:30 p.m. on weekends. The Beach Patrol is working on water base conditioning, practicing back boarding and different rescue scenarios that come up from time to time during the summer.

The 2011 Competition Schedule was available on the sign-in table and it will be posted on the Beach Patrol page of the Town's website. Captain Chandlee encouraged people to support their local lifeguarding agency by attending the competitions. It is a chance to see your local beach patrols in action doing some of the scenarios that they may experience on a daily basis.

Property owners and guests should not hesitate to ask the lifeguards for assistance with any questions or concerns they may have.

Beach wheelchairs, which were donated by the SBPOA, are available and can be requested at the nearest lifeguard stand.

Mr. Cowell asked if any attempt is made to make rounds every once in a while regarding glass containers on the beach. Captain Chandlee stated that the lifeguards make that round everyday but it is not something they can control all of the time. The rules are posted on the walkways and on the back of the lifeguard chairs. When it gets busy the lifeguards' main emphasis is to watch the water. Captain Chandlee stated that to date there have not been any glass injuries and he does not remember a glass related injury incident in the past three or four years. There are more fish hook injuries than glass injuries. He stated that the Beach Patrol needs everyone's support on this and to feel free to mention it to a lifeguard if they see somebody using glass containers on the beach.

The Beach Patrol received some new beach umbrellas. They will be a major asset to the Beach Patrol. The lifeguards were very thankful.

At this time there are no injury incidents to report and there has only been one pull. The water has been extremely calm for this time of year.

Mayor Headman thanked Captain Chandlee and said that he is doing a fine job.

ORDINANCES/RESOLUTIONS

- **Second Reading of Ordinance 156-11, to amend Chapter 84, Licenses and Permits, to increase penalties, limit use of voluntary penalty, and add denial and/or revocation of rental license for violations of Chapter 100, "Peace and Good Order".**

Mayor Headman stated that for the second reading Council will discuss any comments or modifications that Council has regarding the ordinance. Then Council will go over those modifications at the Workshop meeting and then bring the ordinance back for the third reading.

Councilwoman Voveris suggested deleting the word "another" in § 84-13B. She does not believe it reads right and it is not needed.

Councilman Gross has a number of items that he believes need to be looked at. Mayor Headman will get together with Councilman Gross to go through his concerns.

§ 84-14.2B: Mr. Cowell questioned the logic of saying ". . . two (2) or more violations." He asked what does the "or more" mean.

A motion was made by Councilman Fields, seconded by Councilman Gross, that the second reading be postponed until Council has an opportunity to review Councilman Gross' changes. The voting result was 2 in favor and 4 against. The motion was defeated.

Mayor Headman declared this the second reading of Ordinance 156-11.

- **Second Reading of Ordinance 157-11, to amend Chapter 118, Taxation, to change rental tax due date, increase penalties, and add voluntary assessment penalty option and limitations.**

Councilwoman Voveris suggested a grammatical change – § 118-16C should say ". . . rental tax due and owed." Mayor Headman will look at that.

Mayor Headman declared this the second reading of Ordinance 157-11.

COMMITTEE REPORTS

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

The Beautification Committee met on Tuesday, May 31. The Committee discussed the outcome of the East Side Working Group meeting. Based on feedback from the East Side Working Group and the Beautification Committee members, the Beautification Committee made a decision to prepare a piece to distribute to property owners regarding beautification that carries over into property maintenance, property upkeep, and how that is part of the beautification of the town. The Committee also received input from the Code Enforcement Constable. The Committee is working on that and hopes to have it distributed in mid June.

The Beautification Committee is pleased to announce that four Adopt-a-Canal End/Adopt-a-Road End projects are completed. Councilwoman Callaway thanked John and Pamela Eckenrode, Dennis and Sandi Roberts, Kent Stephan, and Sharon and Tony Nonn for adopting.

The adopt program was featured again in the Wave and also in the Salisbury Times. The Committee is working on the final piece for announcing to the community the four completed canal or road ends.

The Committee is excited about the DOA grant opportunity.

The Beautification Committee will meet again on Monday, June 27, at 9:30 a.m.

- **Budget and Finance Committee** – Councilwoman Voveris reported:

The Committee has not met yet but Councilwoman Voveris has been talking to the people that were on the Committee in the past year to see if they have an interest to stay on. Because she is new, Councilwoman Voveris believes it is important to have people on the Committee that have been involved in the last year or two.

Councilwoman Voveris stated that she will work closely with the Town Manager and the Financial Administrator on review to make sure things are kept within budget. Councilwoman Voveris would like to see the Committee look at larger areas such as: 1) Investigating ways to research rental revenues that the Town may be missing because people advertise on the internet; 2) Look into ways to invest the Town money; and 3) Review the Charter regarding financial considerations. Councilwoman Voveris stated that there is a tremendous pool of resources between the knowledge and experience of the Committee members and she would like to tap into this and maximize the Committee's contribution to the Town.

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

See attached Canal Water Quality Committee Report submitted by Councilman Junkin.

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

There have been no meetings of the Planning Commission and there are no requests for hearings for subdivisions.

The agenda for the educational workshop has not yet been completed.

There will be two vacancies early this fall on the Planning Commission. If anyone has an interest or knows anyone who has an interest in serving on the Planning Commission, please contact Councilman Gross. The Planning Commission is responsible for drafting the Town's Comprehensive Plan. The Planning Commission conducts hearings (usually a few a year) for property owners who want to subdivide a lot. The Planning Commission does other things at the request of the Town Council, for example, the Planning Commission drafted the survey instrument that was recently sent out.

ADJOURNMENT

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

PHS:Regular Meeting Minutes.6.10.11 Amended 7.8.11

Attachment: Canal Water Quality Committee Report

Canal Water Quality Committee Report

June 10, 2011

- Water Quality Committee met on June 9, 2011 at the Town Hall at 10:00. Members present were George Junkin, Dave Wilson, Sue Callaway, Al Rae, Gene Hendrix, Frank McNeice, Allen Allenspach, Jay Headman.
- Allen discussed the Oyster Gardening Program and stated that there are resources for 10 additional oyster gardens from South Bethany. There are currently 42 oyster garden sites in South Bethany. E. J. Chalabala appreciates the support that he gets from South Bethany. There is an Orientation Meeting for new and veteran oyster gardeners on Thursday, June 30th at 6pm at the Delaware Center for the Inland Bays office. The address is 39375 Inlet road, Rehoboth Beach DE, 19971. Allen would like the names of property owners who have rip-rap along their property to get in touch with him so that we can plant mature oysters in the rip-rap.
- All discussed homeowners concerns with algae, scum and trash collecting at the ends of the canals.
 - A solution proposed by Chris Bason of the CIB is to keep the pollutants from entering the canals during storm events. The Anchorage Canal Drainage Study had recommended retrofits to reduce the amount of nutrients that are entering our canals. The retrofit along Sea Colony has been completed and should reduce nitrogen and phosphorus by about 10%. The retrofit through the Middlesex and South Bethany area is about to get started. It should cut out another 10%.
 - If we had the Tidal Pump it would provide the flushing to clean up the algae, but it is too expensive.
 - Aerators were discussed. Experts have told us this would reduce the algae and bacteria issues at the ends of our poorly flushed canals. However there was concern as to whether they are cost effective and how much they would reduce the problems. The committee agreed to continue to pursue the possibility of putting an aerator in one canal to see if in fact an improvement is obtained.
- Citizens have been monitoring water quality ;
 - At 10 sites on our canals using a hand held electronic meter
 - At the east end of the anchorage canal with a continuous monitor
 - At 4 sites in Little Assawoman Bay
 - This data will be useful to help understand if improvements are being obtained with the retrofits
 - The current data shows that water quality gets worse the further you are away from Snap Gut.
- DelDOT has released a contract to clean out the Anchorage Canal Sediment Forebay. They plan to begin work on or around August 15th.
- We still need to educate homeowners who pipe outside shower water and roof run-off into the canals. Ordinances that were passed a few years ago take care of new construction. However pipes that were in existence at the time the ordinances were passed were grandfathered in. We need to try to get them to remove the pipes.