

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
JUNE 11, 2010**

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Bob Cestone (took his seat on Council after Agenda Item IV), Tim Saxton, Sue Callaway, George Junkin, and Rob Youngs; Town Manager Melvin Cusick; M/Cpl. Eric Watkins; and Administrative Assistant Pam Smith

MEETING CALLED TO ORDER

After the Public Hearing on Ordinance 154-10, Mayor Headman called the June 11, 2010, Town Council Regular Meeting to order at 7:05 p.m., followed by the Pledge of Allegiance to the Flag.

PROPERTY OWNERS' PARTICIPATION

- Oskar Egger (206 Russell Road) – Stated that he was a concerned property owner in opposition to the proposed playground. He said that it is his understanding that the seven Town Council Members will make the final decision whether to proceed or not to proceed with the proposal for development of a playground at the Richard Hall Memorial Park. Addressing the Town Council, Mr. Egger said, "To eliminate the irrelevant non-binding future referenda or other voting means to determine if property owners are for or against a playground, we should at least know your desire and wishes. Therefore, kindly raise your hand if you are against the proposed playground with the understanding that by not raising your hand against the playground you logically are in favor of the playground. May I see any hands will be against the playground? No hands. Can I assume then that you are in favor of the playground?" Councilman Youngs replied, "You can assume what you want, but it is probably not any more valid than anything else." Mayor Headman stated that the position of the Council at this time is that Council needs to do work and get facts on the issue, and Council feels that they are not there yet.
- Dianne Nazarian (20 Peterson Dr.) – Inquired about a property on Anchorage Dr. which she had talked to the Code Enforcement Constable about. The Town Manager stated that the property owner had been sent a letter.
- Kathy Jankowski (310 W. 4th St.) – On behalf of a property owner on Canal Road, Ms. Jankowski asked the following questions: How was it determined that Black Gum Road be closed between 7 a.m. and 10 a.m., what was to be accomplished, have statistics shown that this has been effective, will you consider alternatives and if so, how can that effort be initiated? Mayor Headman said that some years ago the Town Council had concerns that Black Gum Dr. to Cattail Rd. to Tamarack Dr. to Canal Dr. to Russell Rd. to Evergreen Rd. was being used as a cut through, and there was heavy traffic on that route. At that time the Town Council formed a committee (which included DeIDOT employees). Some of the recommendations the committee made to the Town Council were to put in stop signs and speed bumps to reduce the speed and the amount of traffic on that route. Mayor Headman believes in 2003 the Town Council voted to close the entrance at Black Gum Dr. from 7 a.m. to 10 a.m. to give the people who lived along the route a safe place to walk. In 2004 or 2005 a survey was given to the property owners on that route as well as to property owners in the Cat Hill area behind Town Hall and to property owners along West Canal. The feedback at that time was in support of keeping it the way it was. There were statistics kept. The Chief of Police had DeIDOT determine how much traffic was coming through and how much it actually slowed down the amount of traffic that was coming through. Mayor Headman stated that there is a file at Town Hall with information and it includes who the survey was sent to and their responses. Ms. Jankowski inquired what the people would have to do to change it. Mayor Headman said it would have to be brought back to the Town Council.

- Mike Matera (311 W. 9th St.) – Stated that he was on the committee, and a man from the State told the committee that if the Town put up a gate the Town would probably lose grant money for being a public road. Mayor Headman said that people asked if they kept their South Bethany sticker in their car would they be able to get in, and the ruling was it would make it a private road and then the Town would lose its support for public funds for that road.
- Ed Nazarian (20 Peterson Dr.) – Stated that he was also on the committee, and the committee also wanted to close the entrance between 4 p.m. and 6 p.m. to reduce traffic in the evening. It was a compromise to close the entrance just in the morning. Mr. Nazarian stated that people in Cat Hill were complaining that there was so much traffic coming through that narrow roadway and they were afraid from a safety standpoint.
- Dianne Nazarian (20 Peterson Dr.) – Inquired what the ruling is on trucks along that route. After a discussion, Mayor Headman said that he would get back to her on that.

ADOPTION OF MINUTES

- **Town Council Public Hearing on Ordinance 153-10 Minutes, May 14, 2010** – A motion was made by Councilman Fields, seconded by Councilman Youngs, to adopt the May 14, 2010, Town Council Public Hearing on Ordinance 153-10 Minutes. The motion was adopted. (Councilpersons Callaway and Junkin abstained.)
- **Town Council Regular Meeting Minutes, May 14, 2010** – A motion was made by Councilman Fields, seconded by Councilman Youngs, to adopt the May 14, 2010, Town Council Regular Meeting Minutes. The motion was adopted. (Councilpersons Callaway and Junkin abstained.)
- **Town Council Organizational Meeting Minutes, June 5, 2010** – A motion was made by Councilman Junkin, seconded by Councilman Fields, to accept the June 5, 2010, Town Council Organizational Meeting Minutes. The motion was adopted.
- **Town Council Executive Session Minutes, June 5, 2010** – A motion was made by Councilman Fields, seconded by Councilman Junkin, to accept the June 5, 2010, Town Council Executive Session Minutes. The motion was adopted.

ADMINISTRATIVE MATTERS – APPOINTMENT OF VACANT COUNCIL SEAT AND SWEARING IN

Mayor Headman referred to § C-71(2) of the Town Charter regarding filling the vacant Council seat which was caused by the Town Election.

A motion was made by Councilman Fields, seconded by Councilman Youngs, that the Council approve the appointment of former Councilman, Robert J. Cestone, to fill the unexpired Council seat vacated by Jay Headman when he was elected Mayor. Mayor Headman asked for discussion. There was none. Mayor Headman asked for a roll call. The voting was as follows:

FOR THE MOTION: Mayor Headman and Councilpersons Fields, Saxton, Callaway, Junkin, and Youngs

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

Mayor Headman swore in new Council Member Robert (Bob) Cestone, and Councilman Cestone took his seat on Council.

Mayor Headman said that the Town is very fortunate to have Councilman Cestone step up. He congratulated and thanked Councilman Cestone.

LEADERSHIP REPORTS

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

Thanked the Town Staff, Police Staff, and Beach Patrol for the outstanding work that was done to get the town ready for Memorial Day weekend and the summer. He thanked the Town Manager, Melvin Cusick, and the Chief of Police, Joe Deloach, for their leadership.

Attended the Ambulance Service Sponsors meeting on June 3, 2010.

Participated in an orientation meeting for the Town's newest Council Members along with the Town Manager and Chief of Police.

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

The Code Enforcement Constable's Report was available on the sign-in table.

Beach Patrol Report (the complete report was available on the sign-in table):

- Three rescues
- Two lewd conduct warnings
- Multiple assists to the beach patrons

The new Beach Patrol Captain, Ben Chandlee, has instituted a program to try and estimate how many people are on the beach. He estimated 2,000 people on the beach on Saturday of Memorial Day weekend. The Beach Patrol Captain believes it was the largest population he has seen on the beach on Memorial Day weekend in the eight years that he has been on South Bethany's Beach Patrol.

Regarding the repair of the handicap ramp at S. 3rd St. and the installation of sand fencing on the east side of the dune, the Town Manager said that DNREC is working their way down the coast. Rehoboth Beach and Dewey Beach are finished, Bethany Beach is almost finished, and South Bethany is next on the list.

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

Balance Brought Forward	\$ 1,222,273
May Revenue	\$ 212,118
May Disbursements	\$ 178,737
Balance	\$ 1,255,655

The Budget and Finance Committee met June 11, 2010, and the Town has met all of its targets for FY 2010. The Town will be moving some monies back into Certificates of Deposits and building the reserves. Things continue to look much better for the Town from a revenue perspective and in controlling expenses.

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

May 2 Violation of local code. Subject was sleeping in his vehicle. He was advised of the violation and left the area.

May 3 Animal control complaint on New Castle Dr.

May 4 Residential alarm on Black Gum Dr. Residence was found to be secured.

May 5 Agency assist for a burglary in progress in Bethany Meadows.

- May 5 Residential alarm on Anchorage Dr. Residence was found to be secured.
- May 9 Agency assist for a disorderly subject at Harpoon Hannah's. The subject was arrested by Troop 4.
- May 9 Theft of services on W. 7th St. Subject did not want to pay his cab fare. He changed his mind when the police arrived.
- May 9 Theft from Black Gum Dr. Unknown subject removed the victim's canoe.
- May 14 Residential alarm on Tamarack Dr. This residence was found to be secure.
- May 17 Residential alarm on Seaside Dr. This residence was found to be secure.
- May 19 Violation of local code on New Castle Dr. Subject was working during prohibited hours and the site was shut down.
- May 19 Residential alarm on Petherton Dr. This residence was found to be secure.
- May 21 Violation of local code on the beach at Division St. – dog off the leash.
- May 21 Parking complaint on Indian St. A summons was issued.
- May 21 Criminal mischief on Petherton Dr. Unknown subjects damaged the victim's front door. No entry was gained to the residence.
- May 22 Theft from Anchorage Dr. Unknown subjects removed the victim's kayak.
- May 25 Alarm on Black Gum Dr. caused by an accidental activation by the maintenance person for the property.
- May 25 Domestic verbal dispute on Elizabeth Way. No crime was committed.
- May 27 Residential alarm on Plymouth Rd. This residence was found to be secure.
- May 28 Business alarm at the Grottos in York Beach Mall. It was found to be secure.
- May 28 Loud party on S. 4th St. Party was shut down.
- May 29 Loud party on N. Ocean Dr. Party was shut down.
- May 29 Burglary on W. 2nd St. Unknown subject kicked in the front door and removed a flat screen TV.
- May 29 Violation of local code on Evergreen Rd. Subject was working during prohibited hours. Site was shut down.
- May 30 Loud party on Rebecca Rd. Party was shut down.
- May 30 Domestic assault on Rt. 1 and S. 6th St. Subject assaulted his son on the highway. Subject was arrested for assault and domestic violence and the child was turned over to Division of Family Services.

Ms. Jankowski inquired about the vandalism to mailboxes on Anchorage Dr. M/Cpl. Watkins did not know the details of the incident.

Ms. Nazarian asked how far away the police will go to assist. M/Cpl. Watkins stated that they have gone as far as Seaford before, but most of the time they assist locally in Ocean View, Bethany Beach, or Fenwick Island. Ms. Nazarian inquired about the false alarms. M/Cpl. Watkins said that most of the time the alarm goes off because of the sensors or because the batteries go low. He added that the alarm companies supposedly can be fined for having too many accidental trips. Mr. Nazarian suggested looking into an ordinance against these alarms going off more than once or twice within a month.

A property owner inquired if the flat screen television that was stolen was related to the prior burglaries in South Bethany. M/Cpl. Watkins said the police believe this is a separate burglar because the other burglars were in jail when it happened again.

M/Cpl. Watkins encouraged property owners to take a copy of the pamphlet that was on the sign-in table. The pamphlet contains crime prevention tips for seniors.

Councilman Youngs asked what kind of response the Police Department has had to the bicycle helmet program. M/Cpl. Watkins said that the Department has sold a couple of helmets and the police are trying to inform people about the program. Mayor Headman requested that the Police Department give an update on the program in their monthly report.

Regarding the burglaries that took place in the winter, Councilman Fields inquired if the burglar was apprehended in South Bethany or some other jurisdiction. M/Cpl. Watkins said they were apprehended in another jurisdiction.

Mayor Headman mentioned that Councilwoman Callaway suggested that the Police Department hold a workshop to provide tips on securing vacant homes in the off season. The workshop will be held toward the end of the summer.

ORDINANCES/RESOLUTIONS

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

Councilman Saxton requested that Council delay the third reading of Ordinance 154-10 until next month. Mayor Headman accepted Councilman Saxton's request.

COMMITTEE REPORTS

- **Assawoman Canal Dredging** – Councilman Youngs reported:

As of June 10, the people dredging the canal are averaging 100 feet per day and they have 2100 feet to go. The dredging has been extended through July 31. DNREC anticipates that it will be completed by then.

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

The Beautification Committee is currently comprised of the following members: Sue Callaway (Chair), Kathy Jankowski (SBPOA President), Dianne Nazarian, Dennis Roberts, Ann Shanks, John Speer, and Don Chrobot (South Bethany Maintenance Supervisor).

On behalf of the South Bethany Mayor and Town Council, Councilwoman Callaway thanked the South Bethany Property Owners Association for their generous contribution for the landscaping of the entrance to the Richard Hall Memorial Park. Kathy Jankowski and Dianne Nazarian worked with Vines Creek Nursery to select and secure a good price for an assortment of perennials, annual plants, mulch, and labor. Councilwoman Callaway also thanked the Maintenance Department, Don Chrobot and Ron Watts, for their diligence in

caring for the plants. Vines Creek Nursery had to replace a plant and they noted that there had been damage to the plants from dog excrement. A property owner suggested placing a receptacle nearby.

Wildflowers that were planted in the spring along the walking paths and center of Rt. 1 have recently been mistaken for weeds. Councilwoman Callaway asked people to be patient – they should flower soon.

The Beautification Committee meeting is scheduled for Thursday, June 24, at 9 a.m. in Town Hall. Councilwoman Callaway invited property owners to attend.

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

The Budget and Finance Committee met June 11, 2010 and reviewed the FY 2010 final budget. The Committee feels it is in good shape and is ready for the audit next month. The Committee also reviewed May, the first month of FY 2011, and everything seems to be going well.

The Committee needs to find two people to fill the two vacancies on the Committee. There will be a notice on the website. The goal is to have applications in by the end of June and to have nominations to the Town Council for approval at the July 9 Town Council Regular Meeting.

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

Committee goals:

- Make the canals fishable and swimmable.
- Educate the community on canal water quality issues.
- Work with Town, State, and Federal organizations to reduce pollution entering the canals and to clean up pollution currently in the canals.
- Review and implement town ordinances to help improve water quality in the canals.
- Work with the Center for the Inland Bays on water quality projects.

Members of the committee are George Junkin, Jay Headman, Ron Wuslich (Chairman of the CIB Citizens' Advisory Committee), Dave Wilson (leads South Bethany's citizen monitoring effort), Allan Allenspach (leads the oyster gardening effort in South Bethany), Al Rae, Gene Hendrix, Jack Whitney, John Speer, Gary Jayne, and Lloyd Hughes.

Some past accomplishments under Jay Headman's leadership:

- Oyster Gardening program is doing very well under the leadership of Allan Allenspach.
- Citizens Water Quality Monitoring program is doing very well under the leadership of Dave Wilson.
- Acquired a continuous dissolved oxygen machine from the CIB. Dave Wilson and George Junkin recently received training on operating the machine. The machine shows what the dissolved oxygen is in the Anchorage Canal continuously, 24 hours a day.
- Two town ordinances have been passed to help improve water quality (Ordinance 149-09 and Ordinance 153-10).
- Anchorage Canal Drainage Area Assessment Project completed with the Army Corps of Engineers. Based on this study the CIB has acquired a grant from the State to put in two of the retrofit strategies near Sea Colony.

Councilman Junkin will continue to push concepts that will make significant improvements to the canal water quality:

- Tidal Pump (the Committee has not been pushing this recently because it costs \$7 million)
- Diffuser system (the SBPOA applied for a grant to fund this but was not successful)
- Implement recommendations made in the Anchorage Canal Drainage Area Assessment Project
- Educate property owners on lawn care to prevent fertilizer, etc. from entering the canals.
- Encourage property owners that were "grandfathered in" to voluntarily disconnect their downspouts and shower drains from the canals.
- Educate property owners on the importance of reducing impervious surfaces.
- Encourage rain gardens and the use of native plants and wildflowers.
- Mark storm drains to raise people's awareness of the consequences of pollutants entering the canals.
- Install catch basin filters received from DeIDOT
- Work with the Beautification Committee to take care of stormwater on the Rt. 1 corridor from a water quality point of view

• **Planning Commission** – Councilman Junkin reported:

The Planning Commission will meet on June 28. The Commission will look at the priorities listed in the Comprehensive Plan. Some priorities that have been accomplished are:

- Ensure beach replenishment
- Ensure beach cleanliness
- Dredge the canals
- Provide beach access
- Enforce speed limits
- Upgrade Town Hall and Police Department
- Improve walkways on Rt. 1

Some priorities that need more effort:

- Improve water quality in the canals
- Ensure uniform enforcement of all town ordinances
- Maintain the streets and stormwater management along the streets.
- Inform rental tenants of town ordinances and beach rules
- Relocate utilities underground
- Expand the landscaping program throughout town
- Boat ramp
- Survey of the town

The Town Manager noted that the Comprehensive Plan Annual Report is due to the State in mid July.

• **Richard Hall Memorial Park Committee** – Councilman Fields reported:

At the June 5 Organizational Meeting Mayor Headman appointed the Richard Hall Memorial Park Committee. Committee members are Councilman John Fields (Chairperson), Councilman Tim Saxton, Councilwoman Sue Callaway, Pat Van Cleve (Chairperson of the South Bethany Park Committee), and Andy Ross (Chairperson of the Park Conservation Committee). The Committee will be looking at the possibilities of creating a recreational area (can it be done, is it possible, what are the problems, what are the costs, etc.) and then put

together a package that will give every citizen and property owner in South Bethany the pertinent facts about developing the Richard Hall Memorial Park property and have a mail in referendum.

Councilman Fields will report on the Richard Hall Memorial Park Committee at the Town Council Regular Meetings and Workshops.

Councilman Fields hopes to have some kind of resolution to this issue by the end of the summer – September or October if possible.

ADMINISTRATIVE MATTERS – APPOINTMENT OF PLANNING COMMISSION MEMBER

Mayor Headman nominated Dick Oliver to serve as a Planning Commission Member. Mayor Headman noted that Mr. Oliver worked at the National Oceanic and Atmospheric Administration as a Training Leader. He currently owns his own consulting service. He has served as a member of the Neighborhood Watch Program and is involved with the canal water monitoring program. A motion was made by Councilman Junkin, seconded by Councilman Fields, to accept Mayor Headman's recommendation of appointing Dick Oliver to the Planning Commission. The motion was unanimously carried.

ADJOURNMENT

A motion was made by Councilman Fields, seconded by Councilman Youngs, to adjourn the June 11, 2010, Town Council Regular Meeting at 8:10 p.m.