

<b>TOWN OF SOUTH BETHANY</b> <b>TOWN COUNCIL REGULAR MEETING MINUTES</b> <b>JULY 10, 2009</b>
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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; Lt. Linda O'Malley; and Administrative Assistant Pam Smith

**MEETING CALLED TO ORDER**

Mayor Jayne called the July 10, 2009, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**PROPERTY OWNERS' PARTICIPATION**

- Tom Roche (141 Henlopen Dr.) – Inquired if there was further information regarding the walking path along the Assawoman Canal. The Town Manager replied that the pathway is still on the agenda for South Bethany, Bethany Beach, Sea Colony, Ocean View, and some private communities. The State Parks Commission is doing the renderings of what the pathway would look like. Once they are completed, there will be public hearings to receive public input. At least one public hearing will be in South Bethany. The Town has not had to contribute any of the \$5,000 in matching funds yet. The State is trying to do most of the work themselves instead of hiring a consultant. The \$5,000 is already in the Town's budget, and the Town Manager has applied for a \$2,000 University of Delaware grant to offset some of the \$5,000.

**ADOPTION OF MINUTES**

- **Town Council Regular Meeting Minutes, June 12, 2009** – A motion was made by Councilman Headman, seconded by Councilman Saxton, to accept the June 12, 2009, Town Council Regular Meeting Minutes as amended by Councilman Youngs as follows:

Page 1, Property Owners Participation, Bullet Two, Tom Roche: **Change** *"Councilwoman Gassinger stated that Council will report on any information that the property owners should know about"* **to read** *"Councilwoman Gassinger stated that the Council will report on progress and/or changes to the current dredging plans."*

The motion was unanimously carried.

- **Town Council Special Meeting/Workshop Notes, June 23, 2009** – A motion was made by Councilman Headman, seconded by Councilman Saxton, to accept the June 23, 2009, Special Meeting/Workshop Notes. The motion was unanimously carried.

**LEADERSHIP REPORTS**

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

Mayor Jayne reported on the following items which were discussed at the June 23, 2009, Town Council Special Meeting/Workshop:

- Review Revisions in the Planning Commission Code, By-Laws, and Procedures – Council spent quite a bit of time reviewing the proposed changes. Mayor Jayne noted that the documents are seriously out of date.

- Establish a Standard Procedure for Honoring Former Council Members – Council voted to give a plaque to employees upon retirement, a letter to employees if they leave South Bethany to go to another job, a resolution passed by the Council to former Council Members, and a letter to Planning Commission members, Board of Adjustment members, and other committee members.
- Street Drainage Issues – The worst of the drainage problems have been taken care of, but there are still residual problems. In the FY10 original budget, Council had budgeted \$15,000 for drainage problems, but when Council went to the second budget to cut back on expenditures, Council eliminated that \$15,000. At the June 23, 2009, Workshop, the Town Manager suggested using Municipal Street Aid (MSA) money, which is basically a grant from the State, to address some of the drainage problems. Council voted to take care of the currently reported drainage problems up to a limit of \$15,000 of work, contingent upon the Town Manager certifying or designating that the problem is the Town's responsibility and not the property owner's responsibility. Although Council did not vote at the meeting on the subject of Municipal Street Aid, Mayor Jayne and the Town Manager decided not to do the drainage projects until the Town knew what Municipal Street Aid funds it would get this year. The Town found out today that it would be receiving zero dollars in MSA money. This is not just South Bethany, it is every town in the state. Mayor Jayne stated that this will be on the July 23 Workshop Agenda to discuss again because the lack of this year's MSA money changes the situation. Councilman Fields asked if the motion would be up for reconsideration. Mayor Jayne replied yes.

Mayor Jayne and the Town Manager attended the Disaster Preparedness Briefing in Rehoboth Beach on July 2. Governor Markell, Senator Carper, Senator Kaufman, and Representative Castle were there along with the heads of FEMA and DEMA. There were several presentations. It was a good session.

Encouraging South Bethany property owners to support the Bethany Beach Volunteer Fire Company (BBVFC), Mayor Jayne mentioned that he and his family attended the BBVFC All You Can Eat Breakfast on July 5. He noted that this year the BBVFC is getting half of the grant money that they would ordinarily get from the State and County. Another problem the Fire Company is having is people pay their ambulance fee on the tax bill and think that is the end of their obligation. However, the fire service and the ambulance service are two distinctly different things. None of the money from the ambulance fee goes to the fire service. The fire service has to raise money totally separate from the ambulance service. Mayor Jayne announced the following BBVFC fundraising events:

- All You Can Eat Breakfast, Sunday, August 9, from 8 a.m. to 12 p.m.
- The 1944 Firehouse Murder Mystery Dinner Theatre, Saturday, July 25, at 6 p.m.
- "Kids Night at the Firehouse" - two in July and two in August.

Times and dates of these fundraisers can be found on the Event Calendar page of the BBVFC website, <http://www.bethanybeachfire.com>.

Attended the SCAT meeting on Friday, July 10. Municipal Street Aid was discussed. It was also mentioned that on July 17 at 6 p.m. in the Bethany Beach Town Meeting Room there will be a presentation by Bluewater Wind. The subject is where and how the windmill company is going to bring power ashore. Bluewater Wind is proposing running underground cables in Bethany Beach down Garfield Parkway to a substation on Kent Ave. Mayor Jayne noted that the windmills are still going to be off the coast of Rehoboth Beach.

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

The Town Manager summarized the Beach Patrol report which was available on the sign in table:

- 34 rescues to date for the summer of '09
- 2 ambulance calls to the beach for injuries
- 17 incidents of first aid treatments
- 6 lost children retrieved

The lifeguards are attending several competitions during the summer through the United States Lifesaving Association and the Sussex County Lifesaving Association. A list of the dates, times, and locations of the events is available at Town Hall.

Councilwoman Gassinger inquired about the shark sighting on July 9. The Town Manager stated that the shark sighting was at the south end of the beach. It was not confirmed that it was a shark, but as a precaution lifeguards cleared the water. There were no problems.

Regarding beach replenishment, Councilman Headman inquired if the number of injuries reported this summer is average. The Town Manager stated that the number of injuries this summer is standard and not caused by beach replenishment.

Mayor Jayne stated that the BBVFC ambulance response time to South Bethany is only 4 to 5 minutes, whereas in the past the response time was sometimes 20 to 30 minutes.

Mr. Matera inquired if the Town still donates \$5,000 to the BBVFC. The Town Manager replied yes. *(At the August 14, 2009, Town Council Regular Meeting, the Town Manager stated that he had misspoke. The Town donates \$2,000 to the BBVFC. Council voted unanimously to amend the minutes to reflect this.)*

Mr. Roche noted that the Polaris Ranger was used on each of the incidents in the Beach Patrol Report and it seems like it was a good addition. The Town Manager stated that the ATV is equipped so that the lifeguards can stabilize a patient on a rescue board or a back board and bring the patient across the dune to meet the ambulance.

- **Treasurer's Report**—Tim Saxton reported as of June 30, 2009:

Balance Brought Forward	\$ 1,039,860.69
June Revenue	\$ 325,954.90
June Disbursements	\$ 251,018.88
Balance	\$ 1,114,796.71
Total Cash Account	\$ 153,561.57

Regarding transfer tax, Councilman Saxton reported that the Town has received 22% of the budgeted revenue, which is on par with the 2008 receipts. If the trend continues to track 2008, there will be a budget shortfall on the transfer tax revenue for the year.

Councilman Saxton has met with the Town Manager, Mayor, and Financial Administrator to discuss the budget. They reviewed setting triggers for revenue and expenses, and the Town Manager and Financial Administrator will notify him when the Town hits those triggers so that the Town Council can be alerted of any particular issue within the budget.

Councilman Saxton has asked the Financial Administrator to provide him with the monthly budget and revenue sheets that the Town Manager reviews, and if there are any issues, he will meet with the Town Manager.

The objective of all of this is to keep a close eye on the budget going forward. There is a potential revenue shortage between transfer tax and rental tax income.

- **Police Department Report/Questions**—Lt. Linda O'Malley reported for the month of June, 2009:

- June 2 Drug arrest as a result of a traffic violation. Small amount of marijuana and drug paraphernalia was found in the vehicle. The subject was arrested.
- June 3 Loud party on Petherton Dr. The party was shut down and a town ordinance violation was issued.
- June 6 Violation of local code, prohibited construction, on Indian St. Contractors were working after 6 p.m. The contractors were warned and shut down.
- June 6 Criminal mischief to town property off Canal Dr. Subjects damaged the trash bag dispenser.
- June 6 Violation of local code, prohibited construction, on Anchorage Dr. The site was shut down and a town ordinance violation was issued.
- June 6 Violation of local code, prohibited construction, on Henlopen Dr. The site was shut down and a town ordinance violation was issued.
- June 6 Theft on N. 5<sup>th</sup> St. Unknown subjects removed a TV from a residence. There wasn't any forced entry. The residence has a "For Sale" sign in front of it. The investigation is pending.
- June 6 Drug arrest on S. Ocean Dr. Subject was observed smoking marijuana while walking. Subject attempted to resist arrest and tried to flee. Subject was arrested.
- June 6 Large party with underage consumption on Ocean Dr. There were five arrests made at that location. The party was shut down.
- June 7 Loud party on Jamaica St. The party was shut down and they were given a warning.
- June 7 Burglary on S. 1<sup>st</sup> St. There was forced entry into the residence. No property was removed. The suspect actually left the burglary tools. The investigation is pending.
- June 9 Loud party on Ocean Dr. The party broke up before the officers arrived.
- June 10 Violation of local code, prohibited construction, on Anchorage Dr. The site was shut down.
- June 12 Loud party on S. 6<sup>th</sup> St. Party was shut down and given a warning.
- June 13 Loud party. Subjects were issued a town violation and they were evicted by the realtor.
- June 14 Drug arrest on Rt. 1. Subject was found to be in possession of drug paraphernalia, underage alcohol, and concealed stun gun. Subject was arrested.
- June 20 Minor accident on Cattail Rd. There were no injuries reported.
- June 20 A loud party with underage consumption. Subjects were issued a town code violation and the party was shut down.
- June 24 Loud party on Elizabeth Ct. The party was shut down and given a warning.
- June 28 Loud party on Carlisle Dr. The party was shut down and given a warning.

Lt. O'Malley explained that a lot of these incidents involved "June Bugs".

Councilman Fields inquired about fireworks violations over the 4<sup>th</sup> of July. Lt. O'Malley stated that it was very quiet and that she did not think the Police Department received any complaints. She believes it is attributed to the Department's very active patrol during the holiday. Mayor Jayne complimented the Police Department for their work on the 4<sup>th</sup> of July. Regarding the Monthly Police Report, Mr. Matera inquired what the 93 bicycle contacts were for. Lt. O'Malley replied that it is a combination of helmets, people going the wrong way, people riding on the pedestrian path, etc. Mr. Matera noted that there used to be a "Pedestrians Only" sign on the pedestrian path but it is not there anymore. Mr. Matera also suggested posting signs like the signs in Bethany Beach on Garfield Ave. and Pennsylvania Ave. directing people to ride bicycles with traffic and walk facing traffic. Mayor Jayne noted that on Rt. 1 the signs are governed by DelDOT. Lt. O'Malley pointed out that there are arrows painted on the bike lane on Rt. 1 indicating the correct direction. Mr. Matera inquired what the fine was for children not wearing helmets. Councilwoman Matera inquired if the Parking Enforcer was allowed to issue tickets to bicyclists. Lt. O'Malley replied no because that would be a traffic citation and he is limited to parking. Referring to children riding bikes without helmets, Councilwoman Matera suggested posting signs on the Town's bulletin boards citing the law regarding bicycle helmets and stating that there will be no warning and violators will be fined. Mayor Jayne stated that the Town will consult the Chief on this issue. Lt. O'Malley said that she would forward the information regarding helmets to the Chief.

### **COMMITTEE REPORTS**

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

The Planning Commission is continuing to work on its Bylaws and the Code to bring into effect the suggestions that were made by the Council at the June 23 meeting. The Commission will come back to the Council with revised recommendations at a future meeting.

Councilman Youngs inquired if there are plans to incorporate recommendations from the Water Quality Committee into the Comprehensive Plan. Councilman Fields replied that there are no plans at this time. He added that if the Canal Water Quality Committee came out with a report and the Council decided to include it in the Comprehensive Plan, there is no reason it couldn't be done.

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

There was nothing to report.

### **ADJOURNMENT**

Before adjourning, Mayor Jayne reminded Council Members that there is a Workshop scheduled for July 23 at 7 p.m. Mayor Jayne told the Council Members to let him or the Town Manager know if they have an item that they would like on the Agenda.

A motion was made by Councilman Fields, seconded by Councilman Headman, to adjourn the July 10, 2009, Town Council Regular Meeting at 7:45 p.m. The motion was unanimously carried.