

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
JULY 9, 2010**

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Bob Cestone, Tim Saxton, Sue Callaway, George Junkin, and Rob Youngs; Town Manager Melvin Cusick; Chief Joe Deloach; Beach Patrol Captain Ben Chandlee; and Administrative Assistant Pam Smith

MEETING CALLED TO ORDER

Mayor Headman called the July 9, 2010, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

RECOGNITION RESOLUTIONS

Mayor Headman stated that when someone serves on the Council it is a commitment to the community. South Bethany has been fortunate to have people step up over and over again for the Town Council and the various Town Committees.

- **Resolution 5-10, A Resolution to Recognize Diane Matera**

Mayor Headman stated that Diane Matera was elected to the Council for one year and served as the Council Secretary and Chair of the Beautification Committee. He added that she was very dedicated to the Town and served the Town very well. Mayor Headman thanked Diane for her work.

- **Resolution 4-10, A Resolution to Recognize Marge Gassinger**

Mayor Headman said that Marge Gassinger served on the Council recently for six years and during this six year period was elected Mayor Pro-Tem. Mayor Headman added that Marge served on various committees and highlighted that she chaired the construction of the new Town Hall and Police Buildings. She also served as the Town's liaison for the Assawoman Canal dredging project. Mayor Headman noted that Marge served on the Council numerous years previously and she had served as Mayor in the 1980s during the Town's formative years. Mayor Headman said, "Marge has served this Town well and has always been committed to the Town, and we will miss her on the Council."

- **Resolution 3-10, A Resolution to Recognize Gary Jayne**

Mayor Headman stated that during the last eight years Gary Jayne served two years as a Councilman and the last six years as Mayor. Prior to that time he worked on different committees involved with the Town. During his six years as Mayor, Gary attended meetings all over the State and areas outside of the State for the benefit of the Town. (Mayor Headman noted that often Gary's wife, Barbara, attended along with him.) Mayor Headman stated that during Gary's tenure as Mayor, the new Town Hall and Police Buildings were built, the Town's canals were dredged, and the Town received funding for the much needed beach replenishment. Mayor Headman said, "We owe Gary a lot of thanks for his leadership and dedication to our town."

A motion was made Councilman Fields, seconded by Councilman Cestone, that Council approve Resolution 3-10, Resolution 4-10, and Resolution 5-10. The voting was as follows:

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

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

PROPERTY OWNERS' PARTICIPATION

- Mike Matera (311 W. 9th St.) – Inquired if the person (not a town employee) that trimmed the bushes and trees on Canal Drive had permission to do so. Councilwoman Callaway confirmed that they did have permission. Mr. Matera asked if he needed permission to trim other bushes and trees on town property. The Town Manager and Mayor replied yes.
- Barbara Junkin (8 S. 4th St.) – Stated that the bicyclers sometimes take up the whole road on Evergreen Road and they don't move over for the cars. She believes it is a hazard. Ms. Junkin suggested the Town give tickets to people that completely disobey the rules. Chief Deloach said the problem is there is no shoulder for the bikes to get off the road on. Everybody has to share that little road.
- Pat Van Cleve (152 Anchorage Dr.) – Stated that the wildflowers are beautiful.
- Jim Gross (1 S. 3rd St.) – Said that in June there were two days that the trash trucks were in town making noise before 7 a.m. Mr. Gross said that if the Town has a restriction on construction, the noise from the trash trucks should also be controlled. The Town Manager stated that since he has been with the Town the trash company has been allowed to pick up earlier than 8 a.m., particularly in the summer, due to increase in traffic. The trash company cannot get around town unless they start early. The Town Manager noted that on the west side of Rt. 1 the trash trucks have to back down the streets.

Secondly, Mr. Gross stated that on Friday, July 2, the recycling was not picked up in his area and on Saturday, July 3, Allied Waste put his recycling on the same truck with his trash. The Town Manager stated that recycling goes to a recycling center and added that if Allied Waste takes the recycling to the landfill they would have to pay a tipping fee. That would deter Allied Waste from taking recycling to the landfill. He also stated that on July 4th weekend the Town was inundated with trash. Allied Waste had five trucks in town on Saturday to collect recycling and trash and they still could not finish. Allied Waste apologized on Tuesday, July 6, for all of the difficulties. Mayor Headman said the Town will contact Allied Waste and he added that obviously the Town would not want recycling to go to the landfill.

Thirdly, Mr. Gross stated that Allied Waste should put recycling and garbage cans out of the right-of-way and back in their place if it is obvious where the cans should be. Mr. Gross noted that he has a pad for his cans but Allied Waste leaves his cans in the street.

ADOPTION OF MINUTES

- **Town Council Public Hearing on Ordinance 154-10 Minutes, June 11, 2010** – A motion was made by Councilman Fields, seconded by Councilman Youngs, to accept the June 11, 2010, Town Council Public Hearing on Ordinance 154-10 Minutes. The motion was unanimously carried.
- **Town Council Executive Session One Minutes, July 1, 2010** – A motion was made by Councilman Youngs, seconded by Councilman Fields, to accept the July 1, 2010, Town Council Executive Session One Minutes. The motion was unanimously carried.
- **Town Council Executive Session Two Minutes, July 1, 2010** – A motion was made by Councilman Cestone, seconded by Councilman Fields, to accept the July 1, 2010, Town Council Executive Session Two Minutes. The motion was unanimously carried.

LEADERSHIP REPORTS

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

Attended the Sussex County Association of Towns (SCAT) meeting on July 9. One of the issues brought forward was the Municipal Street Aid funds. Last year the State cut the funding out of the budget. This year, with the support of Representative Frank Short, \$4

million of Municipal Street Aid was approved. The Town of South Bethany will receive approximately \$40,000.

Attended the Rehoboth Ocean Series Lifeguard Competition on June 21. The South Bethany Beach Patrol came in second overall. Mayor Headman stated that the Patrol did very well and it was good to see the competition.

At the July 1, 2010, Town Council Special Meeting/Workshop, Council approved the hiring of a new police officer, Patrick Wiley. He will replace Patrolman Rowley who left the Town to go to the Delaware State Police. Patrick Wiley has been a police officer the last two years at Delaware State University. Prior to that he was at Wesley College. Prior to that he served for 20 years in the security forces of the United States Air Force and at one time was the Superintendent of Investigations. He is very qualified. He will be at the August 13 Town Council Regular Meeting.

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

The Code Enforcement Constable's Report was available on the sign-in table. The report shows that the new building official has been busy.

DNREC has completed the sand fence replacement on the east side of the dune and walkways. The Town Manager noted that on the east side of the dune there is a little bit of a drop off and he is hoping that DNREC will come back to do a little bit more work to the walkways. DNREC has inspected the walkways.

The Beach Patrol Report was available on the sign-in table (attached). Beach Patrol Captain Ben Chandlee gave the report. After the report, Councilman Fields stated that he likes the report and requested that Ben put his name on the report in the future.

Councilman Cestone inquired about ball playing on the beach. Captain Chandlee stated that the rule is if the lifeguards deem any activity such as ball playing, kite flying, or loud music to be a nuisance then the guards can ask that the activity stop. If the people participating do not stop the activity, then the lifeguard can call the police. Beachgoers can contact a lifeguard if there is an activity on the beach that is causing a nuisance.

Mr. Cowell inquired about inflatables in the water. Captain Chandlee said that life jackets and intertubes with an open hole are not allowed.

Ms. Nazarian inquired if at one time there was a designated area for ball playing. Captain Chandlee said it is difficult to designate an area because the crowds fluctuate from week to week. If an area is vacant then people can play ball in that area.

Ms. Nazarian inquired if South Bethany had any junior lifeguards or lifeguards in training. Captain Chandlee stated that this is his first year and he would love to look into a junior lifeguard program in the future.

Mayor Headman thanked Captain Chandlee for his report and for taking the time to attend the Council meeting.

- **Police Department Report/Questions**—Chief Joe Deloach reported for the month of June, 2010:

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| June 2 | Violation of local code on Henlopen Dr. Teenagers were sleeping in the vehicle at their relative's house. They did not have permission to be at the residence. |
| June 7 | Disorderly subjects at the beach at N. 1 st St. Officer checked the area and found the subjects to be gone on arrival. |

- June 7 Underage consumption on Layton Dr. Subjects' names and addresses were checked and alcohol was confiscated.
- June 8 Criminal mischief on Anchorage Dr. Unknown subjects damaged multiple mailboxes in the area.
- June 9 Loud party on S. Ocean Dr. Chief Deloach contacted the chaperones the following morning and advised them of the complaint. Reporting person did not call the police until the following morning.
- June 13 Loud party on S. 3rd St. Subjects were being loud and drinking underage. Chaperone was contacted and given a warning. No further issues at this residence.
- June 13 Agency assist – Fenwick Island PD with drunken disorderly subjects.
- June 13 Large fight involving 12 to 15 subjects on the beach at S. 3rd St. Two rival schools were involved.
- June 15 Loud disorderly subjects on S. 6th St. and Ocean Dr. Forty to fifty subjects were milling around Ocean Dr. Upon arrival by the police the subjects disbursed and returned to the rental houses.
- June 15 Loud party on Brandywine Dr. A warning was issued and the party was shut down.
- June 15 Theft of Town property on Canal Dr. and S. 8th St. Unknown subjects removed a mutt mitt box.
- June 15 Criminal mischief on S. Ocean Dr. Unknown subjects broke window out of the residence.
- June 16 Theft on Canal Dr. Unknown subjects removed a yard flag from the residence.
- June 16 Theft from N. 1st St. Unknown subjects removed the victim's bicycle.
- June 16 Theft from S. 1st St. Unknown subjects removed several bicycles from the victim's residence.
- June 16 Criminal mischief on S. 2nd St. Rival schools broke out the victim's car windows. Prosecution was declined.
- Criminal mischief on Godwin Pl. Unknown subjects broke out the victim's shed windows.
- June 17 Criminal mischief on Rebecca Rd. Rival school egged and poured sugar in the gas tank of the victim. The victim was from the rival school.
- June 19 Criminal mischief on S. 7th St. Unknown subject damaged the victim's fence.
- June 22 Loud party on Brandywine Dr. Subject was issued a summons for a local code violation.
- June 22 Underage possession on Logan St. Alcohol was confiscated and subject was released.
- June 25 Agency assist with underage consumption. The arrest involved multiple suspects.
- June 27 Violation of local code on N. 6th St. Subject was issued a summons for underage possession after they left a party on Ocean Dr.
- June 27 Criminal mischief at the York Beach Mall. Unknown subject damaged the victim's vehicle.

- June 27 Loud party on Canal Dr. and S. 3rd St. Subjects were located and advised of the complaint. No further issues from that residence.
- June 27 Violation of local code at the York Beach Mall. Teenager was sleeping inside the vehicle. Summons was issued.
- June 29 Criminal mischief on S. Ocean Dr. and S. 9th St. Unknown subjects wrote profanity on the victim's vehicle.

Chief Deloach stated that he has contacted Mayor Headman and they have talked about forming a committee to work on solutions on how to handle "June bugs" next year. Two options are to contact the owners of the homes and arrest the chaperones. Mayor Headman stated that we are proud of the quietness and the family environment of the Town and the Town cannot afford to lose that. The committee will come up with strategies and present them to the Council. The Town will get the message out so that there will be no surprises and people will know exactly what to expect. Some suggestions from the property owners at the meeting were to notify the officials at the schools involved, after one complaint the people involved have to get out of town (zero tolerance), look at what surrounding communities are doing, and work with the Town Council, the realtors, and the property owners. Mayor Headman told the property owners to contact him with any suggestions.

Bicycle Helmet Program – As of this meeting the Police Department has deposits on 6 helmets.

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

Balance Brought Forward	\$ 1,255,655
May Revenue	\$ 417,736
May Disbursements	\$ 208,771
Balance	\$ 1,464,619

The Budget and Finance Committee's webpage on the Town's website will be up in August. It will present the Town's full budget and budget versus actuals.

PROPOSAL TO PURCHASE THE REVERSION CLAUSE IN DEED FOR TRACT II PROPERTY (RICHARD HALL MEMORIAL PARK)

Councilman Fields presented the following:

- What is a reversion clause and what it means to the Town of South Bethany.

A reversion clause is very common and done routinely by people who want to do something with their money and they want to control this sum of money. The deed for Tract I (where the Town buildings are located) and Tract II (Richard Hall Memorial Park) was given to the Town in 1985 by Mrs. Elizabeth Henry Hall. The restrictions on both pieces of property as written in the deed is: "The forgoing is made for park purposes only, and if the party of the second part ceases to use the land for park purposes, title shall revert to the party of the first part, her heirs, executors, administrators, successors, and assigns without any further demands or action whatsoever." In the case of Tract II the deed says ten percent of that property can be used for public buildings. Councilman Fields said one of the problems with this reversion clause is what Mrs. Hall meant by a "park". This has been difficult to answer. There are state parks and federal parks, there is Central Park in New York, a park can be a natural piece of land, or a park can have a zoo or a ferris wheel in it. The only way to determine that would be to take it to court for both sides to argue the issue and a judge would decide the meaning of "park" in this particular instance. It could be in the courts for years and it would cost the Town a lot of money. The easiest way to handle this situation is to purchase the reversion clause – if you own it you can do whatever you want to with it. Councilman Fields noted that Tract I (where the Town buildings are located) was given to the Town in 1985. Over time the Council members changed and people had forgotten about the reversion clause in the deed and the Town built buildings on this land that were not for park purposes and the Hall family took the land back and then sold this property to Goody Taylor

for \$17,500. In time Mr. Taylor gave the property back to the Hall family. The Hall family gave it back to the Town and the Town purchased the reversion clause for Tract I for \$25,000. Councilman Fields stated that the safe way to handle the reversion clause is to purchase it. Councilman Fields made it clear that Council's consideration of purchasing the reversion clause has nothing to do with the development of the Tract II area as a recreational area. They are two separate issues.

- The value of Tract II (Richard Hall Memorial Park).

In 1979, before Mrs. Hall had given the land to the Town, Mrs. Hall had the land (Tract II) officially appraised by an appraiser. At that time the land was appraised to have ten 4,800 sq. ft. lots (the minimum size for a lot in South Bethany). At that time (31 years ago) Tract II was appraised at \$100,000. Councilman Fields stated that today lots in South Bethany on the west side of Rt. 1 sell for two and three hundred thousand dollars a piece. On today's market, the Tract II property is worth between two and three million dollars.

Councilman Fields stated that over time (15, 20, or 50 years) as the Council members change, people may forget about the reversion clause and put something on the property that could cause it to be reverted to the Halls or it could go to court which could involve an expensive settlement.

Councilman Fields said that one of the reasons the Town should purchase this clause is not only for the Town's use at this time but for future use. We do not know what the needs of future generations for that land are going to be. We do not know what the value of the property will be to them 50 years from now. The reversion clause will remain a cloud over the property years and years from now. Councilman Fields stated that it would almost be unconscionable to not purchase the clause at this time.

- How much it is going to cost the Town?

Per their attorney, the heirs will convey to the town by quitclaim deed all rights, all reversions, and all rights of any kind that the Hall heirs have in the property so that the Town would own the property free and clear for any future use it might choose for the sum of \$32,000. Councilman Fields stated that the Town cannot afford to let this opportunity pass for the sum of \$32,000.

Mayor Headman noted that in 1985 there was a corrective deed, but the land was originally given to the Town in 1974.

Mayor Headman stated that Council will be discussing and weighing the benefit of having a clear deed to that land at a price of \$32,000. Mayor Headman stated that anything can be litigated and our Town lawyer said just to dismiss a simple litigation on a simple deed contested by the heirs would cost between ten and fifteen thousand dollars – and that is the simplest.

Councilman Youngs stated that when Councilman Fields first made his presentation he had made notes of rebuttal against all of the points he had made because he was of the opinion that there was no need to pursue this on any basis. Councilman Youngs said there was no question in his mind that if a legal challenge were raised, the Town would be successful because of the lack of definition of "park" in the deed. But when Councilman Fields revealed the cost of purchasing the reversion clause (\$32,000) and spoke about possible future needs, Councilman Youngs dismissed his rebuttal. Councilman Youngs believes \$32,000 is an absurdly low offer to get a clear deed on the property. Councilman Youngs said it is imperative that Council make it exceedingly clear that this is not step one to establish the proposed park for which the referendum was discussed last year. Councilman Junkin and Councilwoman Callaway agreed with all of Councilman Youngs points. Councilman Saxton believes the Town needs to control its own destiny and he said it is imperative that this town understands that this has nothing to do with the park – it has to do with the Town controlling its own destiny.

Councilman Cestone said initially the \$32,000 sounded like a good deal, but after giving it thought over the last week he made the following points:

- Do we need to purchase it?

The definition of a park in the dictionary is a tract of land used for recreation. Clearly that means if a referendum indicates that everybody wants a park there and if Council decides to put a park there it meets the recreation criteria. Noting that the issue of the park is not going to affect his decision and that he is only presenting the following to support what he is thinking, Councilman Cestone said that he went to Ocean View's park and measured the footprint of all the things in their park (except the gazebo) and came up with about 2,388 sq. ft. Councilman Cestone said the Town is limited to 10% of the Tract II property. The Tract II property is 1.442 acres which equates out to 62,380 sq. ft. Ten percent of that is 6,200 sq. ft. Councilman Cestone believes the Town could put twice what is being suggested and still not come close to violating the clause. Councilman Cestone acknowledged that it would be nice 50 years from now if the Town decided to do something else with it, but he does not know if that is going to happen. Councilman Cestone stated that the park is the issue that is driving this, and if it wasn't for the park effort Council would not be having this discussion.

- Is the cost a good value?

In 1997 the Town paid \$25,000 for the reversion clause on Tract I. Councilman Cestone divided the acreage of Tract II (1.442) by the acreage of Tract I (1.815) which equals 79%. 79% of \$25,000 is \$19,750. Councilman Cestone acknowledged that the property has appreciated since 1997. To show the appreciated value, Councilman Cestone looked at the recently reappraised value of the Town's water tower lease which was increased 18%. Councilman Cestone applied an 18% increase to the \$19,750 which equals \$23,305. Regarding the value of the property at \$3 million, Councilman Cestone stated that may be the case if it was zoned for residential, but it is zoned public. Councilman Cestone noted that the Town purchased the reversion clause for Tract I under duress (the Town was about to lose the property that the Town buildings were on) so you are going to pay more than something may be worth to protect your investment. Regarding the reversion clause on Tract II, Councilman Cestone said the Town has not violated anything so it may not be worth anything.

- Do we have the money to pay for it (what else is going to be harmed by using that money for this)?

The Town does have some funds, but Councilman Cestone believes there are other things in town that are a higher priority (e.g., two more beach handicap ramps and railings to help people walk over the beach walkways).

In regard to Councilman Cestone using the increase in the water tower lease for his appreciation value, Councilman Saxton noted that rental costs have not increased at the same pace as ownership.

Regarding the Hall heirs, Councilman Youngs stated that today the Town is dealing with four people who understand first hand what the land was donated to the Town for, but when those four people are gone the Town will be negotiating with the next generation or the next generation after that. With each generation the number of people involved will multiply and \$32,000 will not even be close. Councilman Youngs stated that the Town is looking at an opportunity to exercise responsible stewardship on the management of land for the Town for the future.

Mayor Headman asked for comments from the audience.

Mary Suazo asked where the Town gets the \$32,000 and will the taxpayers be informed and involved. Mayor Headman stated that the Budget and Finance Committee has looked into it. Councilman Saxton said the reserves for the FY 2010 budget were set at \$120,000 and the actual amount was \$155,000 (\$35,000 difference). The Town has put the \$120,000 into operational reserves which leaves the Town with \$480,000 in operational reserves. The Budget

and Finance Committee decided that the additional \$35,000 would go towards capital improvements. The Committee is willing to make a recommendation that \$35,000 can be set aside to purchase the reversion clause if it is the will of the Town Council. Councilman Saxton did note that one committee member questioned if that should be done before October which is when the Town will basically know what its revenue for the year will be. Councilman Saxton believes that most members of the Budget and Finance Committee feel it is a small risk. Councilman Saxton stated that there are no legal funds in the operating budget for this fiscal year to cover legal fees for that tract of land. The Budget and Finance Committee is willing to let the Town use the additional \$3,000 for legal issues around getting the clear deed. Councilman Saxton stated that if Council chooses to purchase the reversion clause, it moves to the top of the list of capital projects. It supersedes everything. Regarding informing the taxpayers, Mayor Headman said Council will not vote tonight. Council wants to get the word out to the community in order to get feedback and then Council plans to vote on the issue at the August 13 Town Council Regular Meeting.

Kathy Jankowski asked if there was a deadline on the offer. Councilman Fields stated that the offer is good until August 31, 2010.

Pat Van Cleve noted that years ago Mrs. Hall offered the Town the parcel of land that the private tennis courts are now on and passed on that, and the Town lost the ability to have public tennis courts. Ms. Van Cleve said about 15 years ago she suggested at a council meeting that the Town buy some land for a boat ramp and that did not go anywhere. In both instances she feels the Town did not have vision for the future. Ms. Van Cleve thinks this is a wonderful opportunity and the Town should go for it.

Barbara Junkin stated that she liked Councilman Cestone's presentation. She stated that the Tract II property belongs to the Town and we haven't done anything we shouldn't do so they can't take it. She stated that it is difficult for her to go up and down the walkways at the beach. She said that she is not saying the Town shouldn't purchase the reversion clause, it sounds really good, but it also sounds like we can do what we want without purchasing it.

Mike Matera stated that he has a real estate license in New Jersey and Delaware and he said that is a very good buy.

Diann Nazarian inquired how the offer came about. Councilman Fields stated that he had a letter dated February 16, 2010, from Edward Ames who is the attorney for the Hall heirs. In the letter Mr. Ames said he received reports from the South Bethany Park Committee, reference was made to this land, and the Elizabeth Henry Hall heirs feel that it is in the best interest of all concerned, including the Town, that the heirs sell to the Town the right of reversion as outlined in the corrective deed of 1997. Councilman Fields said it came to Mr. Ames' attention that the Town was interested in doing something with the land and then he responded to the Town. Councilman Fields explained that at the Town Council Organizational Meeting on June 5 Mayor Headman appointed him Chairman of the Richard Hall Memorial Park Committee. On June 7 he contacted Mr. Ames and asked him how much the heirs wanted. After talking to the Hall heirs, Mr. Ames contacted Councilman Fields on June 8 and said the cost would be \$32,000. Ms. Nazarian stated the deed says 10% of it can be used for municipal buildings and not just for park purposes. Mayor Headman stated that at this particular time he did not want to get into a discussion on what the deed says.

Jim Gross inquired if the number could be negotiated using some of the arguments that Councilman Cestone set forth. He added that he believes Councilman Youngs is correct regarding dealing with the heirs' future generations. Mayor Headman said \$32,000 is the price the lawyer put in writing. Ed Nazarian asked if there was room to move on the price. Councilman Fields said he had gone back to Mr. Ames and asked if that was the best offer and then Mr. Ames put the offer in writing to the Mayor.

ORDINANCES/RESOLUTIONS

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

Councilman Saxton reviewed Ordinance 154-10.

Mayor Headman declared this the third reading of Ordinance 154-10.

A motion was made by Councilman Saxton, seconded by Councilman Fields, to adopt Ordinance 154-10. After a discussion, the voting was as follows:

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

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

- **Resolution 6-10, A Resolution to Adopt an All Hazard Mitigation Plan for the Town of South Bethany, Delaware**

Councilman Youngs stated that the All Hazard Mitigation Plan is a contingency plan for a disaster and it is required by law as part of an agreement with Sussex County.

A motion was made by Councilman Youngs, seconded by Councilman Fields, that the resolution be adopted. The voting was as follows:

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

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

COMMITTEE REPORTS

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

As of July 9, 2010, they have 1300 feet left to dredge. It is moving slower than anticipated because as they are moving the sand out of the bottom, wood debris frequently clogs the pipes and they have to stop to clear the blockages. Because they do not think it will be completed by July 31, DNREC has applied for permission to continue dredging into August to insure that they complete it. Councilman Youngs noted that boat traffic slows them down, but they made a commitment when they asked to continue through July to keep the canal open. To help speed up the dredging, Councilman Youngs encouraged boaters not to go through there for a while.

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

The Beautification Committee met for the first time on June 24. Councilman Junkin has joined the Committee because recommendations that the Beautification Committee makes are going to be mindful of the water quality in South Bethany's canals.

Regarding beautification, the Committee has divided the town into different areas and has assigned leaders to the areas to look at alternatives to how it was beautified in the past or what can be done looking forward.

The Committee is working on the details of an exciting program called Adopt a Canal or Street End. It will be an organized program with a very specific strategy. Kathy Jankowski and Dennis Roberts assessed that there are 54 canal and street ends in South Bethany, and

all need to be beautified. Some look fabulous, some look overgrown, some look sparse, and some look okay. The program will be a good way to get volunteers and neighbors involved and excited in beautifying their own community. The program will not impact the Town's budget except for the time that might be needed by the Maintenance Department to work with the volunteers. The Committee hopes to introduce the program in August or September.

The Beautification Committee's next meeting will be July 20. The Committee welcomes participation from property owners.

On August 12 the Committee will be meeting with Sue Barton of the University of Delaware whose focus is native plants and what works well in this area and what can benefit the water runoff drainage.

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

Councilman Saxton explained that the mower the Town currently has is worn out. It has been repaired multiple times, and the Town's investment in the mower at this point is greater than its value to keep it running. To purchase the mower the Town would use depreciation monies and MSA funds. The Town Manager stated that the Town would purchase the mower under a State contract for a price of \$8,950 (the list price is \$11,891). \$7,000 would be taken from the depreciation account and \$1,950 would be taken from MSA funds. A motion was made by Councilman Saxton, seconded by Councilman Fields, to purchase the mower. After a discussion, the motion was unanimously carried.

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

The Canal Water Quality Committee met on July 1. The Committee is working closely with the Beautification Committee mostly in the areas of the Rt. 1 corridor and the ends of the canals. To serve the water quality function efficiently, the flower beds should be low like a rain garden so that water can pond there for a day or two and capture a lot of the nutrients before it runs off into the canal.

Oyster Gardening – This year South Bethany oyster gardeners did not get new oysters (spat). It is every other year that they get spat. Gardeners' oyster baskets are getting heavy because the oysters are growing good. This year the University of Delaware is taking some of the oysters and putting them in the rip rap areas to grow on their own.

Citizens Monitoring Group – Recently the DO has been less than 2 milligrams per liter. If it is not up to 4 milligrams per liter the fish don't like it and they leave or die. Two is not good. All of the dead end canals are in the 2 range. On July 6 when Councilman Junkin downloaded the data from the continuous dissolved oxygen monitor in the Anchorage Canal, the DO was less than three milligrams per liter for about 20 hours during the day. For that week the fish could not have survived in the Anchorage Canal.

In order to have a comparison of what is happening in the Assawoman Bay compared to what is happening in the canals, the Canal Water Quality Committee is assisting the University of Delaware in getting DO measurements at four locations in the Little Assawoman Bay. The readings are taken early in the morning about every two weeks. The data in the Little Assawoman Bay is about the same as the data at the tide gauge located at the end of Canal Road (the first area where the water starts coming into South Bethany).

The Committee is trying to get implements on recommendations made in the Anchorage Canal Area Drainage Assessment Project. Things homeowners can do are lawn care (Al Rae is developing a brochure with guidelines), downspout and outdoor shower disconnect, and rain gardens (booklet by the CIB is available at Town Hall which explains how to do it).

The Committee is meeting with Sue Barton of the University of Delaware on August 12 and will look at the Rt. 1 area. Ms. Barton will give suggestions on how to do things.

Councilman Junkin welcomes volunteers to join the Canal Water Quality Committee.

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

The Planning Commission met on June 28. Planning Commission Member Dick Oliver was assigned to lead the effort to develop a survey of the property owners to understand the direction that the town should be taking.

The next Planning Commission meeting will be July 20 at 9 a.m. at Town Hall.

Some of the commissioners terms end in August 2010. Anyone interested in serving on the Planning Commission should call George Junkin or Jim Gross. Councilman Junkin said the terms are two years and they are staggered.

Councilman Youngs inquired about the Comprehensive Plan five year review. Councilman Junkin stated that South Bethany's Comprehensive Plan was accepted in 2006. After five years the Town has to review it. After ten years the Town has to review, update, and resubmit the CP for approval. Every year the Town submits an update saying what the Town is doing against the Plan (are you doing what you said you were going to do). After a discussion, Councilman Junkin said he would send the State statute to Council members.

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

The Committee will meet on July 29 in the Council Meeting Room to begin its work. It will be the Committee's first meeting to begin work on the referendum that will help Council decide what to do with the Richard Hall Memorial Park property.

ADMINISTRATIVE MATTERS – APPOINTMENT OF BUDGET AND FINANCE COMMITTEE MEMBERS

Mayor Headman stated that Councilman Saxton has recommended the following community members to be appointed to the Budget and Finance Committee:

- Kent Stephan (a budget analyst for the Singer Corporation, VP of marketing and sales for Schering Plough, and Co founder and CEO of Princeton Brand Econometrics)
- Steve Farrow (a naval officer for over 21 years and currently the CEO of Piedmont Airlines).

A motion was made by Councilman Saxton, seconded by Councilman Cestone, for Council to approve the nominations for the Budget and Finance Committee. The motion was unanimously carried.

ADJOURNMENT

A motion was made by Councilman Fields, seconded by Councilman Youngs, to adjourn the July 9, 2010, Town Council Regular Meeting at 9:10 p.m.

PHS:Regular Meeting Minutes.7.9.10 Amended 7.22.10

Attachment: South Bethany Beach Patrol Report (June 10 - July 8, 2010)