

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES SEPTEMBER 12, 2008
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ATTENDANCE

PRESENT: Mayor Gary Jayne; Councilpersons John Fields, Jay Headman, Bonnie Lambertson, Richard Ronan, and Marge Gassinger; Town Manager Melvin Cusick; Lt. Linda O'Malley; Financial Administrator Renee McDorman; and Administrative Assistant Pam Smith

MEETING CALLED TO ORDER

Mayor Jayne called the September 12, 2008, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

FY 2008 AUDIT (SOMBAR & COMPANY)

Mayor Jayne introduced Mr. Tom Sombar of Sombar & Company who presented the highlights of the FY 2008 Audit Report. Mr. Sombar reviewed the Town of South Bethany's Audited Financial Statements and Supplemental Information for Fiscal Year Ended April 30, 2008 (With Comparative Year Analyses 2007, 2006, 2005) which Council Members had a copy of. The report is available for review at Town Hall. Overall the Town had in Total Assets \$3,542,898 and in Total Liabilities \$475,124. This produced a net total asset of \$3,067,774.

Mr. Sombar noted the decline in transfer tax as a big issue. He also noted that the Town's tax levy is flat with not much change over the years. Mr. Sombar added that even though there is a decline, the town is still in a good financial position and could operate for six months without taking in any income. He said the Town needs to be frugal, but is in a pretty solid position. Mr. Sombar advised the Town not to rely on the Realty Transfer Tax. Mayor Jayne stated that it is probably inevitable that the Town will have to raise taxes. Mr. Sombar said tightening down expenses without causing other problems and looking at new revenue sources would be prudent. Mr. Sombar concluded that there is going to have to be some pain all over.

Mayor Jayne thanked Mr. Sombar.

PROPERTY OWNERS' PARTICIPATION

- Terry York (4 N. 5th St.) – Requested that Council look into an ordinance restricting the height of any kind of growth such as Leyland Cypress that blocks views on the beach side. Councilman Headman stated that he had done some research on invasive plants not natural to this area with the intent to encourage planting native plants. Councilman Headman, Councilwoman Lambertson, and Councilman Ronan agreed to look into it. Mayor Jayne stated that usually the first step is to find out what the other towns are doing.
- Ed Nazarian (20 Peterson Dr.) – Because Windmills is more or less a settled issue, Mr. Nazarian suggested that Windmills be removed from the Committee Reports. Councilwoman Lambertson agreed.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, August 8, 2008** – A motion was made by Councilman Headman, seconded by Councilman Fields, to accept the August 8, 2008, Town Council Regular Meeting Minutes as amended as follows:

Page 5, First Paragraph: Change "**First Reading of Ordinance 142-08, Amending Chapter 42, Building Construction, to Control the Use of Portable Fuel Powered Electric Generators and Fuel Powered Air Compressors for Construction Purposes. (John Fields)**" to read "**Third Reading of Ordinance 142-08, Amending Chapter 42, Building Construction, to Control the Use of Portable Fuel Powered Electric Generators and Fuel Powered Air Compressors for Construction Purposes. (John Fields)**"

The motion was unanimously carried.

- **Town Council Special Meeting/Workshop Notes, August 28, 2008** – A motion was made by Councilman Ronan, seconded by Councilwoman Gassinger, to accept the August 28, 2008, Town Council Special Meeting/Workshop Notes. The motion was unanimously carried.
- **Town Council Executive Session Minutes, August 28, 2008** – A motion was made by Councilman Ronan, seconded by Councilwoman Gassinger, to accept the August 28, 2008, Town Council Executive Session Minutes. The motion was unanimously carried.

LEADERSHIP REPORTS

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

Attended the monthly SCAT dinner meeting prior to the election primary. It was candidates' night. The next SCAT dinner meeting will be prior to the General Election and will again be candidates' night.

Mayor Jayne, Councilman Headman, and George Junkin (Canal Water Quality Committee member) attended DelDOT's Capital Transportation Program Presentation in Georgetown. There were displays of various projects. The contract for the Indian River Inlet Bridge has been awarded. Construction will start in January 2009 and completion is scheduled for the summer of 2011. A public unveiling of the new Indian River Inlet Bridge will be on Wednesday, September 17, at 1 p.m. at the northwest quadrant of the inlet area at the DelDOT field office complex. The Rt. 26 project is not expected to be completed until about 2013. Work must be done on the back streets first before doing anything on Rt. 26.

Coastal Cleanup, sponsored by DNREC, is on Saturday, September 20, from 9 a.m. to noon.

Coast Day is October 5 from 11 a.m. to 1 p.m. at the University of Delaware Hugh R. Sharp Campus in Lewes. It is a very worthwhile event to attend.

There will be a Coastal Landscaping Overview at the South Bethany Town Hall on Wednesday, October 22, at 7 p.m. Dr. Wendy Carey from the University of Delaware is an expert on coastal landscaping and coastal planting. The presentation will focus on plants and planting techniques that are suitable for our area. Good advise for people on how to plant in our coastal zone. Please RSVP to Town Hall if you plan to attend.

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

Sunday, September 14, will be the last day for the Town's Beach Patrol.

Last year the Town made application and was accepted into the Community Rating System (CRS) which allowed the property owners to receive a 10% discount on their flood insurance. The Town has to be recertified every year. The recertification deadline is October 1. The Town has submitted its recertification materials. Hopefully the Town will keep the 10 percent discount. Property Owners will continue to get mailings about flood proofing their home, different measures they can take, and different programs that the Town and FEMA offer.

The Marine Education, Research & Rehabilitation Institute, Inc. (MERR) was called today because of the skeletal remains of a whale found between N. 3rd St. and N. 4th St.

- **Treasurer's Report**—Melvin Cusick reported as of August 31, 2008:

August Revenue	\$ 72,105.46
August Disbursements	\$ 341,048.50

August disbursements included the final payment of the Town Hall construction project, final payment of the canal dredging project, a donation to the South Coastal Library which Council had approved under the current budget, and the first payment to the Bethany Beach Volunteer Fire Company for the ambulance service that will start January 1.

August transfer tax revenue was down by about \$22,361.40 from last year.

- **Police Department Report/Questions**—Lt. Linda O'Malley reported for the month of August, 2008:

- August 1 Theft of a bicycle from Kent Ave. No suspects or witnesses.
- August 1 Subject arrested for possession of marijuana during a traffic stop.
- August 2 Criminal mischief on W. 1st St. Damage to dock lights. Suspects were arrested and issued summons for criminal mischief and trespassing.
- August 3 Loud party at Seaside which was shut down.
- August 5 Party on W. 3rd St. which was shut down.
- August 5 Theft of a bicycle at Rt. 1 and N. 6th St. No suspects or witnesses.
- August 5 Theft of a bicycle from Ocean Drive.
- August 5 Theft of town property. Suspects were stealing street signs.
- August 7 Violation of local code involving contractors that did not have Mercantile Licenses. It was turned over to the Building Inspector.
- August 7 Loud party on Anchorage Dr. which was shut down.
- August 8 Theft of town property (street signs) from Ocean Drive.
- August 11 Loud party on Bayshore Dr. which was shut down.
- August 14 Theft of surfboards from an unsecured shed on New Castle Dr.
- August 15 Criminal mischief on Layton Dr. The victim's storm door was broken.
- August 23 Violation of local code on Logan St involving the snow cone truck. The truck was gone upon the police's arrival.
- August 23 Report of a missing wallet. It is not known if the wallet had been stolen or misplaced.
- August 24 Fireworks on the beach at S. 3rd St. They were gone by the time the police responded.
- August 25 Trespassing on Tern Dr. Subject entered the victim's residence and fled. No description.

August 28 Lifeguard stands damaged on the oceanfront and a buoy was stolen.

August 30 Violations of local code for sleeping in a vehicle at Grotto's. Summonses were issued.

August 30 Subjects were issued a summons for disregarding the barricade on Black Gum Dr.

Bicycles that were stolen from S. 7th St. were recovered in Sea Colony.

Mike Matera referred to a town in Pennsylvania that is cracking down on the bicycle helmet law. Mr. Matera said they are giving them one warning and the second time they take their bikes away. Lt. O'Malley said that works when you've got permanent residents but not with a group of new people vacationing in town every week.

Carolyn Marcello asked what constitutes a loud party. Lt. O'Malley replied that if she can hear it from her car on the street and it is 11 p.m. or later, then it is too loud.

ORDINANCES/RESOLUTIONS

- **Resolution No. 2-08, a Resolution to Revise South Bethany's Schedule of Fees**

Mr. Nazarian inquired how Council had arrived at the numbers for the fee increases. Mayor Jayne said they researched the fees charged in Bethany Beach, Fenwick Island, Ocean View, and Dewey Beach.

Mr. Cestone suggested changing the effective date of September 12, 2008, to give property owners some advance notice. Mayor Jayne agreed that was a good idea.

Mayor Jayne directed the Administrative Assistant to delete the phrase "building permit" in the fourth **WHEREAS**.

Mayor Jayne stated that because the Mercantile License fee is still in the Code, the Code will have to be amended to remove the fee which will require three readings.

Councilman Headman inquired about number 7 on page 2 of the Schedule of Fees. He noted that there is nothing there to tell him that it only refers to the exterior and he also suggested raising that fee from \$2.00 to \$2.30. The Town Manager stated that they are working on a definition for renovation, alteration, and/or remodeling to put in the Code. Mayor Jayne said the definition needs to involve structural work. Mayor Jayne also stated the definition should include a list of things that are examples of internal changes that do not require a building permit. Mayor Jayne stated that in the past and currently, interior modifications have not required a building permit. Only exterior modifications have required a building permit.

Mr. Cestone stated that the Rental License fee and Water Connection fee are also still in the Code.

Mayor Jayne pointed out two new fees in the Schedule of Fees – Gas Service Connection and Geothermal.

Mr. Cestone stated that he does not believe there is anything in the Code that requires a permit for gas connection or geothermal. The Town Manager confirmed that there was not.

A motion was made by Councilman Fields, seconded by Councilman Headman, that Resolution 2-08 be tabled pending further study. The motion was unanimously carried.

COMMITTEE REPORTS

- **Assawoman Canal Dredging** – Councilwoman Gassinger reported:

The equipment is being set up now to start the dredging. If the work has not started yet, it will start next week.

- **Beach Replenishment** – Councilman Ronan reported:

Councilman Ronan believes there needs to be three to five walkways like the walkway at N. 4th St. with railings. Mayor Jayne stated that railings is one of the things that the Town is going to look into. Mayor Jayne noted that the railings will not be cheap and the Town has to get permission from DNREC.

Tony Pratt will be meeting with the Beach Committee the end of September.

- **Beautification** – Councilman Ronan reported:

The Beautification Committee met and planned for next spring. There will be a balance between native plants and color.

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

There was nothing to report.

- **Tidal Pump Program Update** – Councilman Headman reported:

There was nothing to report.

- **Windmills** – Councilwoman Lambertson reported:

Councilwoman Lambertson had left the meeting after the discussion of Resolution 2-08 and before the Committee Reports were given. Earlier in the meeting she stated that she had no report on windmills for this meeting.

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

There was nothing to report.

ADJOURNMENT

A motion was made by Councilman Fields, seconded by Councilman Ronan, to adjourn the September 12, 2008, Town Council Regular Meeting at 8:50 p.m.