

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES SEPTEMBER 14, 2012
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ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Jim Gross, Pat Voveris, George Junkin, Sue Callaway, and Mark Damato; Town Manager Melvin Cusick; Lt. Linda O'Malley; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilman Al Rae

MEETING CALLED TO ORDER

Mayor Jankowski called the September 14, 2012, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

PROPERTY OWNERS' PARTICIPATION

- Mary Suazo (7 S. 3rd St.) – Gave the following report on the Historical Society:
 - The South Bethany Historical Society is coordinating with Fenwick Island, Ocean View, Bethany Beach, and the Delaware Humanities Forum to participate in a traveling museum from the Smithsonian which will focus on the last 100 years. It is an interesting concept and the Historical Society is hopeful that everything will work out.
 - The South Bethany Historical Society asked for feedback from the attendees of the '62 Storm program. The number one request was for a program regarding the history of the canals in South Bethany. There was also a request for a program regarding Cat Hill. In addition, people have asked the Historical Society to repeat the program on the '62 Storm.

Ms. Suazo thanked the Council for the support from the Town. Mayor Jankowski thanked the Historical Society for the work they have done, noting that all the work is done by volunteers.

- Mike Matera (311 W. 9th St.) – Inquired if the Town had travelled up the canals to see what limbs are hanging over the canals. The Town Manager stated that the Town was scheduling a trip for this fall.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, August 10, 2012** – A motion was made by Councilman Gross, seconded by Councilwoman Voveris, to accept the August 10, 2012, Town Council Regular Meeting Minutes as amended as follows:

Page 8, Paragraph 6: Change "**Little Assawoman Canal Water Quality Monitoring by boat**" to "**Little Assawoman Bay Water Quality Monitoring by boat.**"

The motion was adopted. Councilman Junkin abstained.

- **Town Council Workshop Meeting Minutes, August 23, 2012** – A motion was made by Councilwoman Callaway, seconded by Councilwoman Voveris, to accept the August 23, 2012, Town Council Workshop Meeting Minutes as amended as follows:

Page 1, Last Paragraph: Delete "and it grew like toxic."

Page 2, Paragraph Three: Substitute bathrooms for toilets in line one and line three.

Page 2, Paragraph Five (under Code Enforcement Constable's Comments): Add, "The Code Enforcement Constable stated that during inspections he has done prior to issuing a Certificate of Occupancy he has had to require that three half bathrooms be removed from constructed houses that were in violation of Town Code § 145-35K (Maximum number of bathrooms and kitchens). To correct this problem, the Code Enforcement Constable stated that currently he does inspections at the time of the framing and when the rough-in plumbing work is being done to make sure that there are only four plumbing connections for bathrooms.

Page 4, Paragraph Seven: Change, "**The basis** for this Plan was the South Bethany community survey . . ." to "**A resource** for this Plan was the South Bethany community survey . . ."

The motion was unanimously carried.

- **Town Council Executive Session Minutes, August 23, 2012** – A motion was made by Councilman Gross, seconded by Councilwoman Voveris, to accept the August 23, 2012, Town Council Executive Session Minutes. The motion was unanimously carried.

LEADERSHIP REPORTS

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

FOIA

- FOIA (Freedom of Information Act) ongoing discussion at the Sussex County Association of Towns (SCAT) Steering Committee Meetings. They are trying to schedule someone from the State for the next SCAT Steering Meeting in Georgetown on Friday, October 5.
- Barrett Edwards, lawyer with the law firm of Hudson Jones, Jaywork & Fisher, will discuss the most recent ruling by the Attorney General's opinion of FOIA pertaining to several of our municipalities on Sunday, September 23, in Dover at the Delaware League of Local Governments Annual Conference.

Meet the Mayor

- Have held 3 "Meet the Mayor" sessions with approximately 20 attendees. Mayor Jankowski is compiling a list of issues and will report those and her progress on them in the October Zephyr.
- Three new sessions are scheduled for Saturdays from 9 to 11 on September 29, October 27, and November 10.

Ambulance Service

- New budget was presented on Thursday, September 13. Revisions will be made and sent out next week with a communication on reasons for slight increase (due to cost, the economy, gas, equipment, and partly because the Beebe Emergency Room that we had has been closed and now they are having to provide a lot of ambulance service to the hospital). Later in the agenda we will have an opportunity to vote on revisions to the current contract with Bethany Beach Ambulance Service and Bethany Beach, South Bethany, Sea Colony, and Fenwick Island.

Remote Access Ordinance

- A meeting is scheduled with Solutions Plus on Wednesday, September 19 to discuss options for equipment enabling remote access to Town Council meetings and workshops and to find out the costs. There is no money in this year's budget for new equipment so we will be looking at that for next year's budget.

Money for Water Quality Projects

- Meeting with EPA in Philadelphia on Wednesday, September 26, to discuss options for our water quality projects; e.g. rain gardens/drainage on East Side, diffusers/aerators, tidal pump.

SR26 Mainline Improvement Project's Working Group

- First meeting will be held on Monday, September 24, from 10 to 12 at the Library—not open to the public

Planning Workshop

- Bryan Hall from State of Delaware will be here Friday, September 21, to conduct a special workshop on comprehensive planning for Town Council members, Planning Commission members, Budget and Finance Committee members, and any of the staff that would like to attend. (It is an open meeting.)

Next Town Council Workshop

- Thursday, September 27, at 5 pm.
- Topics of interest will be
 - trash/recycling/yard waste discussion
 - Walking and biking safety
 - Draft ordinances that the Charter and Code Committee has come up with for us to review.

Because Mayor Jankowski stated that she was trying to encourage more input at the meetings by allowing public input at the time the committee reports are given, Councilman Gross suggested adding a Public Comment agenda item after the Committee Reports. He also suggested placing Administrative Matters before Committee Reports on the Town Council Regular Meeting agendas.

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

The EMS report for August was available on the sign-in table. It is supplied by the EMS Director for the Bethany Beach Volunteer Fire Company.

A notice regarding the Coastal Cleanup scheduled for September 15 from 9 a.m. to noon was available on the sign-in table.

South Bethany Beach Patrol Report July (7-14-2012) to September (9-13-2012)

Rescues to Date: 75

First Aid Incidents:

- (7-16-2012) – Middlesex/South Bethany Border: Spinal Injury; Victim sent to Beebe Hospital Lewes on Ambulance.
- (7-17-2012) – Fish hook lodged in victims foot; sent to Beebe.
- (7-17-2012) – Male 42 suffered a shoulder dislocation upon impact from a wave and the beach. Sent to Beebe Hospital Lewes.
- (7-24-2012) – Female 47 impaled/lacerated by flying umbrella in left thigh. Sent to Beebe Hospital Lewes.

Beach/Water Closures:

- (7-19-2012) - Beach closed for lightning storm 3:36 – 5:00

The Town Manager announced that there was a Beach Patrol award on the sign-in table. South Bethany's Beach Patrol, who is part of the Sussex County Lifesaving Association, participated in the National Competition in Cape May. The Sussex County Lifesaving Association team placed third in the nation against teams from Hawaii, Los Angeles, and everywhere else in the nation. Because South Bethany had the most team members on the Sussex County team, the Town was given the trophy.

- **Treasurer's Report**—Pat Voveris reported as of August 31, 2012:

MONTHLY:

Balance Brought Forward	\$ 2,066,685.74
August Revenue	\$ 71,475.97
August Disbursements	\$ 236,457.85
Balance	\$ 1,901,703.86

YEAR TO DATE PROFIT AND LOSS:

Total Revenue	\$ 1,273,875.00
Total Expenditures	\$ 932,915.00
Excess Revenue	\$ 340,960.00

OPERATING BUDGET RECAP:

- Revenue is at 50%.
- Expenses are at 45%.

HIGHLIGHTS ON REVENUE:

- Property Tax is 97.4% collected. We have 18 delinquent owners for an amount of \$11,721.55, total penalties due \$358.14, total due to the Town \$12,079.69.
- Transfer Tax came in at \$44,588.47 or 53% more than the same month last year. For the same 4 months of last budget we are 2% less, overall. We budgeted \$225,000 for FY2013 and are now at 53% of budget for 4 months of our cycle.
- An additional \$169 for penalties and fines was collected. We budgeted \$500 and are now at \$3159.
- Building Permits were budgeted at \$75,000 and we are only at 21.5% or \$16,158. Seasonal fluctuation is reflected here.
- Parking Permits were budgeted at \$26,000 and we are now at \$25,055 or 96.4%
- Rental Licenses are the same as last month. We budgeted \$28,000 and we are at \$19,940 or 71.2%. We will see additional activity in this area 4th quarter.
- Parking Tickets are up from last month. We budgeted \$12,600 and are at \$8,947 or 71.0%.

- **Police Department Report/Questions**—Lt. Linda O'Malley reported for the month of Aug., 2012:

- August 1 Wanted subject out of Kent County was apprehended during a traffic stop.
- August 5 Report of a stolen kayak on Cattail Rd. without any witnesses or suspects.
- August 8 Report of a telephone scam. Lt. O'Malley reminded property owners to never give out personal information and to simply hang up. Lt. O'Malley stated that the FBI has a website where citizens can report telephone scams.
- August 11 Wanted person with three warrants out of New Castle County was apprehended during a traffic stop.
- August 14 Agency assist for a disorderly subject in Ocean View.
- August 16 Report of an intoxicated subject passed out on S. Anchorage Ave. Officer made sure the subject got home safe.
- August 18 Theft of computer equipment that turned out to be unfounded.
- August 22 Traffic stop. The car was fleeing from the officer for a short time on Carlisle Dr. before he was apprehended.

- August 23 Report of an indecent exposure on the beach around Kewanee St. It was investigated and proven to be unfounded.
- August 24 Bicycle accident with injury at N. 6th St. The subject was transported for treatment.
- August 26 Traffic stop involving a person wanted by Troop 4.
- August 26 Civil complaint involving a contractor on Brandywine Dr. It was referred to civil court.
- August 28 Traffic stop involving a wanted person out of New Castle County.
- August 28 Agency assist with Fenwick Island for an unauthorized use of a motor vehicle. The vehicle was located and returned to the owner.
- August 31 Report of unauthorized people inside a house. It was proven to be unfounded.

ORDINANCES/RESOLUTIONS

- **Second Reading of Ordinance 164-12, to Amend the Code of the Town of South Bethany by Adding a New Chapter to be Entitled Participation by Remote Electronic Access, Which Provides Participation at a Meeting of the Town Council, Planning Commission, or Other Committee, With the Exception of Planning Commission and Board of Adjustment Public Hearings, by Remote Electronic Access for Members of Town Council, Planning Commission, or Other Committees (Kathy Jankowski)**

Mayor Jankowski noted that Ordinance 164-12 has been reviewed by the Town's lawyer.

Mayor Jankowski stated that Council also has an allowance for three excused absences which would mean that a member could miss six meetings in a year. Because some people think this is too excessive, Mayor Jankowski proposed making the following changes to § 17-4D: A member of the Town Council cannot exercise the option under this ordinance for more than two (2) consecutive Town Council meetings and/or Town Council workshops, ~~and not~~ ***The combined absences and remote access from Town Council meetings and workshops cannot total*** more than three (3) times annually.

Councilman Junkin recommended that Ordinance 164-12 only address participation by remote electronic access and not include excused absences because if Council wanted to make a change to the excused absences it would take three readings to change it. Mayor Jankowski said that means Council would have to change its Rules of Procedure. Councilman Junkin said Council can change the Rules of Procedure at a meeting. Councilman Junkin believes that total participation at meetings belongs in the Protocol Governing Absences from Town Council Meetings Policy. Councilman Gross said in that case the Protocol Governing Absences from Town Council Meetings Policy needs to be rewritten to apply to participation by remote electronic access. Mayor Jankowski and Councilman Junkin agreed.

Councilwoman Voveris stated that she believes the total number of absences and participation by remote electronic access should not be more than three. Councilwoman Callaway agreed. Councilwoman Voveris hopes that Council is putting this in place as an exception, not a rule. Councilman Gross agreed stating that Council wants personal (physical) participation at the meetings.

After discussion Councilman Junkin recommended not changing § 17-4D.

Bob Cestone stated that when making these changes Council should keep in mind that the Town Charter (§ C-7H(2)(d) addresses three consecutive absences to regular Town Council meetings. He said that the Charter does not address workshops.

Mayor Jankowski said that she will not make the change to § 17-4D, and Council will address absences in the Protocol Governing Absences from Town Council Meetings Policy. She stated that this would be on the agenda for the September 27, 2012, Town Council Workshop Meeting.

Council discussed the Town's lawyer's thought to consider adding at the end of § 17-4D "unless otherwise approved by the unanimous vote of the remaining members of Council" in case someone becomes ill or has a close family member that is ill and being cared for in MD or VA, such a Council member may need to legitimately take advantage of this option more than 3 times in a year. Councilman Junkin stated that he is not pushing for this based on Council's discussion regarding too many physical absences from meetings,

The following are Councilman Gross' suggested changes to Ordinance 164-12:

- Page 2, First Paragraph: Simplify it as follows:

AN ORDINANCE TO AMEND the Code of the Town of South Bethany by adding a new chapter, to be entitled Participation by Remote Electronic Access, which provides **members** participation at a meeting of the Town Council, Planning Commission, **or and** other committee by remote electronic access ~~for members of Town Council, Planning Commission, or other committees~~ (excluding the Board of Adjustment and Planning Commission hearings).

Mayor Jankowski asked if Council agreed with the above change. No one disagreed.

- **§ 17-2. Participation by remote electronic access.**

Any member of the Town Council, Planning Commission, and any other committee may participate in any **regular or special** meeting (~~regular or special~~) ~~of the Town Council~~ (including the making or seconding of any motion and ~~the casting of a vote s on any motion~~) by remote electronic access (including, by way of example, a speaker telephone or video-conferencing equipment) if unavoidable circumstances prevent that individual from being physically present at such meeting, subject to the remaining provision of this chapter. Participation by remote electronic access shall not be available to members of the Board of Adjustment or Planning Commission when public hearings are being held before those bodies.

- **§ 17-3. Conditions necessary** (Councilman Gross suggested simplifying it as follows):

No member of the Town Council, Planning Commission, or any other committee shall be authorized ~~or allowed~~ to participate in ~~or cast a vote at~~ a meeting ~~of the Town Council, Planning Commission, or other committee~~ by remote electronic access unless:

- A. There is physically present in the place where the meeting is being held a sufficient number of members of the Town Council, Planning Commission, or other committee to constitute a quorum ~~thereof~~.
- D. Not more than two (2) members of the Town Council, Planning Commission, or other committee ~~are seeking to~~ **may** participate by remote electronic access **in any one meeting**;
- F. The member(s) participating in the meeting by remote access are in continuous communication with those present at the meeting throughout the entire meeting; provided however, no member's participation ~~or vote~~ by remote access during any portion of the meeting shall be invalidated due to the remote electronic access connection being made shortly after the meeting has begun or loss of communication subsequent to such participation ~~or vote~~ if loss of communication is due to technical difficulties beyond the control of such member(s).
- G. During any meeting where ~~such a~~ member participates by remote electronic access, all votes shall be taken by roll call.

➤ **§ 17-4. Notice of intent to participate by remote electronic access.**

- A. Any member of the Town Council desiring to participate at a Town Council meeting or Town Council workshop by remote electronic access shall notify the Mayor of such intent (including the reason for being ~~unavoidably~~ unable to be physically present at the meeting) as soon as reasonably possible, but in no event less than eight hours prior to the time scheduled for the meeting. ~~Unavoidable~~ Circumstances justifying participation by remote electronic access are those stated in the most recently adopted *Protocol Governing Absences from Town Council Meetings Policy*.
- C. The Mayor or Chairperson will notify the Town Manager's office in order to allow the Town Manager to make the communications facilities and arrangements necessary to enable remote electronic participation and to allow the Town Manager to update the posted agenda to indicate that such member of the Town Council, Planning Commission, or other committee will be participating by remote electronic access, ~~and the reason therefore~~. Any person failing to provide such eight hours' prior notice shall not be authorized to participate in the meeting by remote electronic access ~~(unless, by unanimous vote of those physically present at the commencement of the meeting, the Town Council, Planning Commission, or other committee waives such eight-hour notice)~~.

Councilman Damato questioned if the Protocol Governing Absences from Town Council Meetings Policy referenced "unavoidable circumstances". After discussion Council agreed to compare Ordinance 164-12 and the Protocol Governing Absences from Town Council Meetings Policy for consistency at the September 27, 2012, Town Council Workshop Meeting and make revisions where necessary. The Town Manager said the Town will send Ordinance 164-12 back to the Town's lawyer for his review between the September 27 Workshop Meeting and the third reading at the October 12, 2012, Town Council Regular Meeting. Mayor Jankowski agreed.

Mayor Jankowski declared this the second reading of Ordinance 164-12.

- **First Reading of Ordinance 165-12, to Amend Chapter 42, Building Construction, to Correct a Typographical Error in § 42-6 "Issuance of Building Permit" by Changing the requirement "Insurance Certificate" to "Elevation Certificate" (Al Rae)**

Councilman Gross stated that he had spoken against this before and wanted to add the following additional comments:

- This has not been a problem since the last time this section was revised in 2002.
- In Chapter 145 of the Code there is a requirement for an elevation certificate.
- According to Councilman Gross' discussion with John Fields, the Charter and Code Committee has drafted revisions that Mr. Fields thought would be ready for Council to consider at the October Town Council Workshop Meeting which would make this change obsolete.
- Council should not go forward with a public hearing when Council will have a revision that is contradictory to what is being proposed.

During discussion, Bob Cestone (member of the Charter and Code Committee) stated that in the revisions the committee is drafting, the change in this ordinance (Ordinance 165-12) will not be obsolete – the change will stay in the Code.

Mayor Jankowski stated that she was not given information that the revisions to Chapter 42 would be ready for Council to consider at the October Town Council Workshop Meeting. Mayor Jankowski noted that at the August 23, 2012, Town Council Workshop Meeting Council agreed that the Charter and Code Committee would prepare Ordinances 165-12 and 166-12 for first readings at the September Town Council Regular Meeting.

A motion was made by Councilman Gross to table Ordinances 165-12 and 166-12. The motion was not seconded.

Mayor Jankowski asked for more discussion. Mr. Cestone recommended not sending Ordinances 165-12 and 166-12 to the Town's lawyer for his review since the change is so simple.

Mayor Jankowski declared this the first reading of Ordinance 165-12

- **First Reading of Ordinance 166-12, to Amend Chapter 145, Zoning, Article XVII, Entitled "Administration, Enforcement and Penalties", to Correct a Typographical Error in § 145-68B "Building Permit" by Changing the Requirement "Insurance Certificate" to "Elevation Certificate" (Al Rae)**

During discussion Councilman Gross said he feels the same way about this ordinance as he does about Ordinance 165-12. Councilman Junkin asked Councilman Gross if he was going to make another motion. Councilman Gross said no.

Mayor Jankowski declared this the first reading of Ordinance 166-12.

COMMITTEE REPORTS

- **Assawoman Canal and Trail Update** – Councilman Rae reported:

In Councilman Rae's absence, there was nothing new to report.

- **Community Enhancement Committee** – Councilwoman Callaway reported:

The Adopt-A-Canal/Road End subcommittee met September 6, 2012, to review the votes for the 2nd Annual Adopt Beauty Contest. Nearly 100 participants voted in the contest. The winner was the canal end adopted by Bryan and Olivia Elrod located between Sussex Pl. and Tern Dr. off Route 1. They received a \$100 gift certificate from Lord's Landscaping (donated by Lord's Landscaping).

In mid-August an email news update was sent notifying the community about phragmites and the opportunity for property owners who saw evidence of phragmites in their yards to participate in a grant funded treatment process in the fall. Certain areas of Town property have been identified as having a substantial amount of phragmites as well as about 70 property owner properties. Individual letters and a hold harmless agreement have been mailed to these property owners. In response to the News Update and the letter that was mailed, the Town has received over 70 Hold Harmless Agreements. This is another grant funded opportunity from the Department of Forestry Services as part of their coastal control of phragmites not only controlling the growth but also as a fire safety endeavor. The treatment should be completed by September 25.

The committee received news this week that a tree grant the committee applied for was favorably reviewed. Therefore the Town will be receiving a \$3,500 tree grant which will allow the Town to plant additional trees along the Route 1 median this fall.

All of the landscaping improvements along Route 1 have been completed. In September the committee will be working on follow up of plants that did not survive.

The Ocean Drive signs are almost completed and the maintenance staff is beginning the cross streets.

The Community Enhancement Committee will be meeting on Tuesday, September 18, at 10:45 a.m. Everyone is welcome to join the committee.

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

The Budget and Finance Committee met August 6 at 8:00 a.m. at Town Hall. The following was discussed:

Councilwoman Voveris thanked member Steve Farrow for the idea of having an ORIENTATION meeting for new members and Renee McDorman for compiling a thorough and expert meeting packet.

Mayor Jankowski spoke on the Organizational Chart for the Town (Town Employees, Council, Committees) – Responsibilities of each were detailed and a listing of members was in the packet.

Budget and Finance member Joe Conway proposed new signage for No Cell Phone Use while driving. He says there are none up in South Bethany.

Mayor Jankowski then spoke about the ambulance service contract with participants of Bethany Beach, South Bethany, Sea Colony, and Fenwick Island. Their recent vote on equipment for resuscitation will help save more lives. It is a real feather in our South Bethany cap to participate in this ambulance service.

Councilwoman Voveris detailed demographics, pointing out 421 full-time residents and 943 part-time residents in our town.

The Finance Director, Renee McDorman, then spoke of primary revenue sources and our use of 1974 for tax assessment. The average property tax on bay side is \$311.31 and ocean side is \$458.69.

Member Joe Conway pointed out that the assessed values limit the Town's ability to borrow. A bond is limited to a percentage of assessed values in a town. For South Bethany this would be just 1.5 million dollars – it is not much for a catastrophe.

Member Kent Stephan expressed the need for South Bethany to plan for the future to enhance our lives and increase our property values.

Member Steve Farrow remarked on the low number of current rental licenses – just 265. All members expressed concern of owners renting via the internet and not reporting income.

Last year's rental revenue was translated into 70% ocean side and 30% bay side. Ocean Drive accounted for 40% of the entire town. Since this meeting the Finance Director has compiled information showing of 265 rental licenses 56% are bay side and 44% are ocean side.

The Finance Director then addressed primary expenses and peaks for such times of year – such as General Insurance which is in first quarter, salaries for Beach Patrol which is in the summer months, and seasonal Public Safety employees. A question came up about Beach Patrol. The Town had 26 people this year. The Finance Director then outlined the Town's fiscal year and budget process. From start to finish our budget is developed over a 6 month period.

The Town Manager reviewed employee positions and responsibilities. He made mention of how much more South Bethany spent for contract services prior to Don Chrobot coming on board. He also noted the recent change in our one part-time maintenance position to full-time. Councilwoman Voveris pointed out that Fenwick Island, a town of our size, has four full-time maintenance people, none of which do work on the beach. The Town Manager further spoke to the Town's maintenance talent in building our benches, lifeguard stands, and trash bins.

The Town Manager detailed the step system used by South Bethany for employee compensation. He brought this concept to South Bethany and feels it keeps pay fair, balanced, and impartial.

The Finance Director reviewed the health insurance plan and employee contributions.

The FY 2011 Audit was handed out and pie charts for revenues and expenses were reviewed.

Councilwoman Voveris then reviewed the Fee Schedule as it related to neighboring towns and the Budget Synopsis for FY 2010, 2011, 2012.

Joe Conway spoke to creating a "what if" scenario in the event of a beach disaster to look at a scenario of actions and the Town's ability to respond to a major financial event. He will collaborate with the Finance Director on this for a future meeting.

There were no public comments.

The meeting adjourned at 10 a.m.

Mayor Jankowski stated that the Finance Director did a great job putting the packet together and she encouraged other committees to share the informational packet with their members.

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

Diffuser System Pilot Project – The Town has received the proposal from Envirotech. Council will discuss and vote on awarding the proposal at the September 27, 2012, Town Council Workshop Meeting. Councilman Junkin stated that the proposal is under what he estimated it would be.

Bart Wilson, Center for the Inland Bays (CIB), has submitted a proposal for a grant for rain gardens on the east side. The CIB is teamed with South Bethany, DeIDOT (Marianne Welch), and Sue Barton (University of Delaware). Some work will also be done in Middlesex if the grant is awarded.

Jack Whitney has volunteered to work on the proposed tidal pump issue.

Councilman Junkin, Councilwoman Callaway, and Mayor Jankowski have an appointment the end of September in Philadelphia with the EPA to discuss how they might be able to help with water quality in South Bethany.

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

More work on the Comprehensive Plan Five-Year Review will be done after the September 21, 2012, Town Council Workshop Meeting at which Bryan Hall from the Office of State Planning will clarify what the review should include.

The Planning Commission has a meeting scheduled for October 9, 2012, at 9 a.m. to discuss future planning ideas.

At the previous Planning Commission meeting Kent Stephan was elected Vice Chairman of the Planning Commission.

- **Charter and Code Committee** – Councilman Rae reported:

In Councilman Rae's absence, Bob Cestone stated that the committee is working on changes to Chapter 42, Building Construction. The committee hopes to have something for Council to review at the October Town Council Workshop Meeting.

- **Communications and Public Relations Committee** – Councilman Damato reported:

The committee had its second meeting on August 25, 2012. The following was reviewed:

- Town brochure – Close to a final draft regarding language. Looking at getting pictures for the brochure.
- Website – The point person was not present, but there was agreement that the website needs to be assessed. The committee looked at other town websites and discussed what enhancements South Bethany's website could use.
- Movie Night/Family Night – In addition to a movie, discussed doing other activities as well.
- Real Estate Agent "Meet and Greet" – Discussed having this in February just before spring. It would include hors d'oeuvres, video showing, brochure, and telling the agents the initiatives South Bethany has.
- Long Term Goals – Kayak or boat races and perhaps a float in the 4th of July parade next year.

The committee hopes to schedule its next meeting in October.

ADMINISTRATIVE MATTERS – APPROVAL OF AMENDMENT TO AMBULANCE SERVICE AGREEMENT

Mayor Jankowski explained that the amendment is to remove the following items from the Ambulance Service Agreement:

From Section D (BBVFC Duties and Responsibilities):

16. BBVFC shall initiate a plan and work with the Sponsors on a legislative agenda to establish equitable District wide funding through the State of Delaware or Sussex County as early as practicable.

From Section E (Sponsors' Responsibilities):

2. The Sponsors shall cooperate with BBVFC on a legislative agenda to establish equitable fire district wide funding through the County as early as practicable.

The Town Manager stated that when the ambulance agreement was initially written the thought was to try to get Sussex County or the State to tax everyone for ambulance service. The group testified in Dover before the Delaware State Fire Prevention Commission and the Delaware Volunteer Firefighter's Association and there was no support for it. The fire companies would not agree to it because the less populated areas would probably get less money and they were afraid the State would take their grant money away if the residents were being taxed for the service. The state legislators said they would not support it if the Delaware State Fire Prevention Commission and the Delaware Volunteer Firefighter's Association do not support it. The Bethany Beach Volunteer Fire Company (BBVFC) has asked that these two items be taken out of the agreement. The Town Manager stated that it may come up again eventually, but at this time there is no support for it.

A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to approve the amendment to the Ambulance Service Agreement. The motion was unanimously carried.

ADJOURNMENT

A motion was made by Councilman Gross, seconded by Councilman Junkin, to adjourn the September 14, 2012, Town Council Regular Meeting at 8:33 p.m. The motion was adopted.