

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES SEPTEMBER 9, 2016</b>
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**MEETING CALLED TO ORDER**

Mayor Voveris called the September 9, 2016, Town Council Regular Meeting to order at 7:03 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

PRESENT: Councilmembers Don Boteler, Sue Callaway, Wayne Schrader, Tim Shaw, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; and Administrative Assistant Pam Smith

**PROPERTY OWNERS' PARTICIPATION**

- Carolyn Marcello (8 S. 9th St.) - Announced that October 2 is the Life Chain on Route 1 from 2 p.m. to 4 p.m. Also announced that the Historical Society is organizing a tour of the historic sites in Georgetown in October. Dates to be determined shortly. Open to the public.
- Mike Matera (311 W. 9th St.) - Suggested that the Town provide a pile of sand, sand bags, and two shovels for residents during severe storms. Mr. Matera also stated that mosquitoes are bad. The Town Manager said the Town has a cooperative agreement with the State of Delaware. The Town Manager said he would contact the State of Delaware and the State will schedule a spraying.

**ADOPTION OF MINUTES – AUGUST 25, 2016, TOWN COUNCIL WORKSHOP MEETING**

A motion was made by Councilmember Callaway, seconded by Councilmember Boteler, to accept the August 25, 2016, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

**ORDINANCES**

- **Third Reading and possible vote on Ordinance 183-16 to amend the Code of the Town of South Bethany Chapter 145, Zoning, to clarify the definition of "pervious area" in the setback of any lot in South Bethany (Pat Voveris)**

Mayor Voveris reviewed Ordinance 183-16. Mayor Voveris asked for comments. There were no comments.

Mayor Voveris declared this the third reading of Ordinance 183-16.

**Motion and Vote:** A motion was made by Councilmember Shaw, seconded by Councilmember Stevenson, that Council approve Ordinance 183-16. The motion was unanimously carried.

- **First Reading and possible vote on Ordinance 184-16 to amend the Code of the Town of South Bethany Chapter 145, Zoning, Article III, "Definitions", Article X, "Dimensional Requirements", and Article XI, "Setback Requirements" to increase the maximum height of houses by one foot from 32 feet to 33 feet and allow house elevations to be measured from both the Center line of the road and the Base Flood Elevation in the AE and AO Zones (Sue Callaway)**

Councilmember Callaway gave background information on Ordinance 184-16 and reviewed the ordinance page by page.

Councilmember Callaway asked for questions from the Council. There were no questions.

Councilmember Callaway asked for public comments.

Dick Oliver (410 Victoria Dr.) - Regarding measuring from the base flood elevation (BFE) or the center line of the street, Mr. Oliver suggested adding "whichever works to the advantage of the property owner". Mr. Oliver added that he does not think center line of the street should be used at all - it unnecessarily complicates it.

Thomas Timbario (104 Anchorage Dr.) - Relative to the description relating to the center line of street, Mr. Timbario suggested referencing it to the elevation of the center line of street. In reference to measurements to the bottom of the structure that supports the first floor, Mr. Timbario said there is possible ambiguity there as to where that begins. Mr. Timbario stated that many of the houses in South Bethany are done on pilings and have cross beams that support the joist. Mr. Timbario asked if the measurement is from the bottom of the joist or from the bottom of the cross beams. Mr. Timbario stated that it may take a little more verbiage to explain it so that builders and architects don't have to question it and have to rely on the Code Enforcement Constable's opinion on what that might be.

Mayor Voveris declared this the first reading of Ordinance 184-16.

**BUDGET AMENDMENT – CONSIDERATION AND POSSIBLE VOTE ON A BUDGET AMENDMENT REGARDING AN INCREASE TO THE SOUTH BETHANY POLICE DEPARTMENT PAYSCALE**

The following is the Budget Amendment Request:

Budget Amendment Request (1) - 8.25.16

Town of South Bethany  
FY 2017  
Budget Request

It is requested that the following Expenditure accounts have money transferred from the Fund Balance:

		Original Budget	Amended Budget	Amended Budget Total	Expensed YTD	Balance Available
01-350-5100	DPS - Salaries	389,006.00	9,939.46	398,945.46	263,278.45	135,667.01
01-350-5145	DPS - FICA - Town's Contribution	33,022.00	760.37	33,782.37	21,865.00	11,917.37
01-350-5160	DPS - Pension Town's Contribution	52,396.00	1,300.17	53,696.17	30,368.97	23,327.20

**Total Amount Requested from Fund Balance: \$ 12,000.00**

Councilmember Boteler stated that at the August Workshop Council considered a proposal to adjust the Police Department's payscale to improve the ability of the Department to attract entry level employees. A comparative analysis study by Chief Crowson found that South Bethany had fallen to the lowest of nine referenced towns. This adjustment brings South Bethany up to just below average. Council approved the proposal contingent upon approving the budget adjustment necessary to fund the proposal - \$12,000.

**Motion:** A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to approve the budget amendment of \$12,000 to fund for the balance of the fiscal year the adjustment to the police payscale that Council approved at the August workshop.

Public Comment:

Chris Keefe (6 N. 3rd St.) - Asked who did the study and who did the payscale study. Councilmember Boteler said Chief Crowson did the study. Chief Crowson acknowledged that he did the study. Councilmember Boteler stated that he, Chief Crowson, and the Finance Director have been working on the new payscale which is a 20 step structure which remains the same as the current payscale except for the adjustments to the entry salaries and minor adjustments to some of the other salaries and some of the other cells in order to preserve the percentage separation.

Ms. Keefe suggested that the payscale submitted be the new starting point going forward when other changes have to be implemented in the future. Councilmember Boteler said the new adjusted payscale is the official payscale going forward. Mayor Voveris agreed. Attached is the payscale Councilmember Boteler referred to as the official payscale going forward.

**Vote:** The motion was unanimously carried.

#### **CONSIDERATION AND POSSIBLE VOTE TO AMEND THE TOWN OF SOUTH BETHANY RULES OF PROCEDURE REGARDING PUBLIC COMMENT PERIODS (PAT VOVERIS)**

**Motion:** A motion was made by Councilmember Weisgerber, seconded by Councilmember Stevenson, to amend the South Bethany Rules of Procedure regarding public comment periods as follows:

13. ~~Public Comment Periods~~ ***Public comments will be heard at the beginning of Town Council meetings and public comments regarding agenda items will be heard after initial Council discussion and prior to any Council vote being taken.***
- ~~A. Town Council Regular Meetings – Public comments will be heard during the Property Owners' Participation portion of the meeting, and public comments regarding agenda items will be heard after initial Council discussion and prior to any Council vote being taken as indicated on the meeting agenda.~~
- ~~B. Town Council Workshop Meetings – Public comments will be heard at the beginning of the meeting and at the end of the meeting as indicated on the meeting agenda.~~

**Vote:** The motion was unanimously carried.

#### **LEADERSHIP REPORTS**

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

Here is an update since my last report on August 12th.

August 18 Attended a Fenwick Chamber event with Town Manager Cusick where our Beach Patrol was acknowledged and received a \$500 contribution. Town Manager Cusick and Beach Patrol Captain Dacey also named our lifeguard of the year. Congratulations, Ruslan Kopunek!

August 26 Attended a Charter & Code Committee meeting to participate in discussion regarding new ordinances for house heights and boat lifts.

August 29 Attended a draft audit review with Councilman Boteler, Town Manager Cusick and Finance Director McDorman. Tom Sombar and Steve Reese from Sombar Associates presented a most favorable report on the financial position of our Town. A formal audit presentation will be made to the public by Tom Sombar at our October Meeting.

August 30 Representative Ron Gray advised that he and Senator Hocker will assist our Town with the funding for the design configuration DeIDOT will require to warrant a 3-way stop at Canal and Tamarack.

DeIDOT has supplied one design at \$30,000 and will present a cheaper alternative as I requested at the upcoming Traffic Committee meeting on September 14th.

We will be sending a News Update to acknowledge employee appreciation days of September 17th through 19th. If you happen upon an employee please thank them for their efforts and a job well done!

As Mayor Pro Tem, Sue Callaway attended the monthly SCAT breakfast meeting held in Georgetown on Friday, September 9. The following is a list of items discussed:

- A representative from Frankford discussed the current situation in his town between the Town and Mountaire Chicken regarding the use of the Town's water and the decisions being made by the State and DNREC.
- Saturday, September 17 is National Police Officer Day and towns are being reminded to honor and pay tribute to their local law enforcement officers.
- Georgetown is currently creating a Memorial to honor WW1 veterans to be placed in the town center along with Memorials to veterans of other wars. The Georgetown Mayor respectfully asked for \$250 donations from all towns to assist with the costs.
- The group discussed the options of locations for future SCAT breakfast meetings. After reviewing the costs and room logistics, the group agreed to continue to meet at the Arena at Georgetown Airport.
- The next SCAT dinner meeting will be held on October 5 and is the Legislative agenda. The next SCAT breakfast will be held on October 7.

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

Due to approach of Tropical Storm Hermine, the Town removed the Beach Patrol Building, Mobi-matts, trash receptacles, and recycling receptacles from the beach on Thursday, September 1. Our beach vendor also removed all umbrella storage boxes from the beach. The Town monitored the storm throughout the weekend which included weather calls with Sussex County Emergency Operations Center and the National Weather Service. The calls were conducted Friday, Saturday, and Sunday. We were very fortunate that the path of Hermine was further to the east of the coast than originally predicted. No dune damage occurred although we did lose some sand from our beach. The Beach Patrol staff did an excellent job of keeping beach goers out of the very rough surf during the storm event.

The Town staff is continuing work on the annual CRS recertification.

The work on installing one new speed hump on Black Gum Drive and augmenting seven additional speed humps to DeIDOT standards began on Tuesday, September 6, 2016. This work was completed on Wednesday, September 7. Notifications were placed on 108 homes that bordered the streets where the work took place. The pavement markings for the speed humps are being scheduled by the contractor.

Coastal cleanup is scheduled for Saturday, September 17, from 8 a.m. to 12 noon.

August 18 – Attended the Chamber of Commerce Lifeguard of the Year awards.

September 1 – Attended the Sussex County All Hazard Mitigation Workshop/Public Hearing.

September 9 – Attended Sussex County Association of Towns Steering Committee meeting.

- **Treasurer's Report**—Councilmember Boteler reported:  
Revenue and expenses are tracking as expected.
- **Police Department Report/Questions**—Chief Troy Crowson reported:

### **Office of Highway Safety**

#### **Impaired Driving**

Cpl. Burton, Ptlm. Loulou, and Pfc. Hudson participated in the “National Impaired Driving Crackdown”, hosted by the Office of Highway Safety, throughout the month of August. Statistics show that 31% of impaired driving fatalities occur between 9 pm – 2 am. Officers worked extra shifts between the hours of 8 pm to 3 am to target alcohol impaired drivers and make our roads safer. This campaign resulted in one DUI arrest, two drug arrests, and many other traffic violations.

#### **Distracted Driving**

Officers will be participating in the September Office of Highway Safety campaign for distracted driving. The Office of Highway Safety is providing funding for primary enforcement of distracted driving violations. The target for 2016 distracted driving/cell phone use is to decrease the total number of distracted driving-involved traffic crashes by 16% from the 2010-2013 calendar year average of 173 to 145 by December 31, 2016.

#### **Grant Funding**

In the past I have reported on grant funding and equipment we have obtained utilizing grant funding, I have not reported on the substantial amount of funding we have received this fiscal year that provides the Town with additional coverage for enforcement initiatives at no cost to the Town (any fines generated during these mobilizations are received by the town at our normal percentages).

For this fiscal year to date we have received \$15,400 from the Office of Highway Safety (OHS). These funds were utilized to pay officers towards enforcement efforts that included pedestrian safety, seatbelt enforcement, DUI patrols, distracted driving and participation in the state’s DUI strike force.

We received an additional \$3,561 from Emergency Illegal Drug Enforcement (EIDE) for highway drug interdiction and to provide beach patrols utilizing the Polaris during targeted hours (June Bug Weeks were targeted for these patrols and allowed us to cover the beach which was problematic prior to this practice).

Total amount received for overtime enforcement efforts is \$18,961 to date; we will continue to partner with OHS and apply for all funding that increases officer presence providing extra safety initiatives.

#### **Bicycle Safety Event**

On August 18<sup>th</sup>, Cpl. Burton, Chief Crowson, Pfc. Hudson, and Seasonal Officer Halt hosted our second annual bicycle safety checkpoint, assisted by several of South Bethany’s beach patrol

members. Our police department's tent was set up at Henlopen Drive and Coastal Highway, where officers handed out/installed 95 bike lights!

### **Operation Seas the Day**

The annual Operation Seas the Day event was held today. Twenty-five Wounded Warriors and their families were escorted from the Sea Colony Marketplace to the Freeman Stage in Selbyville for a concert, held in their honor. Thank you to all of those who came out and participated to give our hero's a big welcome home and thank you for their service!

### **Patriot's Day**

The Heritage Shores Military Club and the Town of Bridgeville are proud to pay tribute to the Law Enforcement Community of Sussex County for the outstanding job you all do 24/7 in protecting all of us.

Again, **Thank You** for your support in attending Patriots Day on September 9, 2016, at the Heritage Shores Clubhouse which is located at 1 Heritage Shores Drive, off Route 13 South in Bridgeville, Delaware.

We are honored to have as our speakers the Delaware Attorney General Matthew Denn and the Superintendent of the Delaware State Police Nathaniel McQueen Jr.

CPL Patrick Wiley was honored at this event as a veteran of two combat deployments and service with the USAF (retired).

The South Bethany Police Department is proud to have Cpl. Wiley as a member of its department.

Public Comment: Chief Crowson answered several questions from the public.

- **Beach Patrol Report**—Submitted by Capt. Ryan Dacey:

South Bethany Beach Patrol  
8/13/16-9/5/16

Medical: 8/23- 55 yr old man surf injury – dislocated shoulder

Competition: South Bethany's Nationals team led Sussex County to a 5th place finish overall in Hermosa Beach, CA. Bringing home gold medals finishing first in the landline rescue race, paddle board race, 2k run, and the ironman race.

### **COMMITTEE & COMMISSION REPORTS**

- **Traffic (Ad Hoc) Committee** – Chair John Janowski reported:

There was nothing new to report. The next Traffic Committee Meeting is scheduled for September 14 from 1 p.m. to 3 p.m.

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

The CEC met on Thursday, September 8<sup>th</sup> at 9:30 am. The afternoon meeting was rescheduled to the morning due to CEC wishing to attend the funeral of former Town Council member and friend Tony Caputo. Sue Callaway, CEC Chair; Donna Farrow; Bobbe Stephan; Carol Stevenson; Pat Weisgerber; and Don Chrobot, Public Works Supervisor were in attendance.

### **Update and Review of SB landscaping and any recommendations for 2017**

Don Chrobot led the discussion on the status of plants, beds and landscaping in general throughout the town. Public Works has assessed what plants work well and what plants do not and will be making some adjustments in the spring 2017. The group emphasized the need for continued attention to any necessary weeding. The CEC members all noted that they have received many compliments from the public regarding the town-wide landscaping improvements. Don mentioned the success of the new seasonal worker this year and hopes that he will return next year. Public Works will begin work in the fall to complete the Phase 5 (FINAL) Sign Project for the town. This phase includes 75 poles (i.e. no parking, permit only) along all streets on the west side of Route 1, replacing poles and installing vinyl sleeves.

### **Update on Adopt Program**

The group conducted its final review of the 2016 Adopt Contest. It was agreed to use the same process and logistics next year and continue to seek support from Lords Landscaping. An Email News Update announcing the contest results was distributed by the Town on August 12<sup>th</sup> and an article about the Adopt Contest was featured in the August 26<sup>th</sup> edition of the *Coastal Point*.

In summary, Sue Callaway noted the one new summer Adoption by the Soulas' that occurred on Layton Drive road end and the two new maintenance adoptions, one on York Road by the Laddbushs' and the other along Route 1 by the Beutels'. It was also noted that due to a move by the Eckrenrode family, new adopters will be needed for their canal end along Peterson Drive. Sue will be working on the annual fall *Adopt Update* that summarizes all adopted canal ends.

### **Follow-up to CEC's 8-25-16 Town Council Workshop Survey Comments Presentation**

Sue Callaway noted that she presented the Committee's recommendations on August 25<sup>th</sup> and the next steps that the Town Council will now decide upon. The Council was asked to review the presentation materials particularly with regard to any street light changes, the process involved and to make a decision about the next steps regarding any future street light installation plan at a future Council meeting.

### **Update on Historic Photo Project**

The Historic Photo/Sign Project is back on track after a summer hiatus and a graphic designer has prepared draft layouts for two signs which were reviewed by the CEC. Sue and Pat Weisgerber will continue to work on preparing suggested photos and text for the next three signs and will continue to work with the designer who has been key in pulling the materials together in a creative design and attractive layout. The goal is to have an March/April installation date.

### **Review & Selection of Town Christmas Decorations**

Recommendations for new holiday commercial grade decorations for the north and south beds were passed on to Public Works. Costs will be confirmed by Don Chrobot regarding the purchase of these items.

### **Review of Photography submissions by new artist and discussion regarding new Ocean Drive Art Board submission and possible 2017 Photography/Art Exhibit at Town Hall**

Sue noted that she met with South Bethany photographer Michael McGowan (official photographer for the Operation SEAS the Day) and the group reviewed photos of his work.

The group agreed to prepare one of his photos for the Ocean Drive Art Program for the spring 2017. In addition, the group approved the idea of hosting a month-long Photography Exhibit at Town Hall. The Exhibit would be open to South Bethany photographers such as Michael McGowan and others who have participated in the Ocean Drive Art Program as well as any other interested South Bethany photographers. The proposed dates would feature a public opening showcasing the local photographers on Friday evening May 26<sup>th</sup> with the Exhibit ending on June 24<sup>th</sup>. Details and logistics will be worked on during the coming months. This Exhibit would replace the previously proposed idea of an outdoor art show which has been included in the FY 2017 budget.

### **Operation Seas the Day Program**

Public Works volunteered to place the American flags along Route 1 for the Operation Seas the Day parade on September 9<sup>th</sup>. The flags used were purchased by Garnet and Tom Timbario for July 4<sup>th</sup> display. Thanks to everyone for making South Bethany extra special for this event.

- **Budget and Finance Committee** – Councilmember Boteler reported:

There was nothing new to report.

- **Charter and Code Committee** – Submitted by John Fields, Chair:

The Charter & Code Committee met on August 26th to review the Town attorney's comments on Ordinance 182-16 related to regulating boat lifts and modular floating docking systems. The Committee accepted several of the attorney's recommendations except one related to the height of pilings and posts used to support boat lifts. The Committee decided not to take the ordinance forward for a second reading until the question of the proper height of pilings and posts could be resolved.

The Committee worked on an ordinance to change the way the height of houses are measured in South Bethany. Most of the ad-hoc committee's work on allowing house height to be measured from BFE were accepted and formed the basis of Ordinance 183-16. This ordinance had its first reading at the Council meeting on September 9, 2016.

Submitted by John Fields, Chair  
The Charter and Code Committee

Presented by Wayne Schrader  
Councilmember

- **Canal Water Quality Committee (CWQC)** – Councilmember Weisgerber reported:

There was nothing new to report.

- **Planning Commission** – Councilmember Shaw reported:

There has been no planning committee meeting since the last Town Council meeting as the committee now meets bi-monthly. The next meeting is planned for Friday Sept 16th at 10:00 a.m. at Town Hall.

- **Assawoman Canal Trail** – Councilmember Stevenson reported:

There have been no communications from DNREC concerning planning for the Assawoman Canal Trail extension. Funding by the state has been approved for planning the next phase of the trail.

- **Communications and Public Relations Committee** – Councilmember Stevenson reported:

Summer beach activities have ended. Yoga on the Beach by Lighthouse Dance and Yoga Studio and Boot Camp by Mel and Kim Royster of Fitness Craze have concluded their summer offerings at this time.

The International Coastal Cleanup Day, sponsored by DNREC and lead by Mary and Frank McNeice will be held September 17th from 9 to 12 noon. This worthwhile activity has been supported by South Bethany for many years.

The Communications and Public Relations Committee did not meet in August, however meetings will resume in September. Future activities in the planning stages are an October Pot Luck Social and the annual Polar Plunge Breakfast on New Year's Day.

Public Comment: Planning Commission Chair Dick Oliver stated that Verizon is done cleaning up their wires. If there are any problems regarding Verizon wires, contact Dick Oliver. Mediacom said they would begin cleaning up their wires next week.

### **ADJOURNMENT**

A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to adjourn the September 9, 2016, Town Council Regular Meeting at 8:10 p.m. The motion was unanimously carried.

phs:2016 09 09 Regular Meeting Minutes Adopted 9 22 16

Attachment: Adjusted payscale - Official Police Department Payscale going forward