

TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES OCTOBER 28, 2010

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Bob Cestone, Tim Saxton, Sue Callaway, George Junkin, and Rob Youngs; Town Manager Melvin Cusick; and Financial Administrator Renee McDorman

MEETING CALLED TO ORDER

Mayor Headman called the October 28, 2010, Town Council Workshop Meeting to order at 6:00 p.m.

PUBLIC COMMENT PERIOD

Kathy Jankowski (310 W. 4th St.) – Referring to the 1999 Town of South Bethany Survey developed by the University of Delaware, Ms. Jankowski noted that there were 16 questions regarding recreational facilities. She believes this shows that this is an important item to be included in planning for a town. She stated that the summary of that survey listed the following as "a would like to have": Beach replenishment, canal clean up, a few other issues that have been or are being addressed, and the next item listed was a recreational facility. Ms. Jankowski believes that is what started the endeavor by the South Bethany Property Owners Association to investigate what could be done with the park area. Ms. Jankowski thinks surveys are meant to glean as much information as possible, and she questioned why the Council is trying to set up a simple yes or no survey that doesn't allow the property owners to express their wants. She does not want to see the Council put a survey out that is going to increase the anxiety and animosity in the town. She stated that in the back of her mind she does not know if the Mayor and Council have a hidden agenda on plans for that property causing them to proceed as they are.

Janet Williams (23 Sea Side Dr.) – Feels very strongly that this is an important juncture for the town. Ms. Williams and her husband support development of the Richard Hall Memorial Park. She would have preferred the feedback to be in the form of a referendum, but she looks forward to getting the survey. She would like the survey to give property owners an opportunity to show their preferences, specifically: (1) We support a pavilion for the people in this town to use for their crab feasts or their bull roasts and other events, (2) a playground for the children, grandparents, and parents to enjoy; and (3) fitness stations. Ms. Williams understands that funding is always a question, but there is a potential for grants, private donations, and in kind donations, and she hopes that this is emphasized in the survey packet. She would like the survey packet to have all the facts and to be impartial, otherwise Council will have lost an opportunity to fully hear the things the voters have to say. Referring to the Town purchasing the reversion clause, Ms. Williams stated that she will be looking for a minor development and added that another Council in ten years might decide to subdivide and sell the land.

Diann Nazarian (20 Peterson Dr.) – Stated that she is a member of the South Bethany Park Committee and she thanked the Richard Hall Memorial Park Committee for their hard work. She said that she had attended the third meeting of the Richard Hall Memorial Park Committee and was disappointed with the discussion of the pro and con sheets. She stated that at the previous meetings both sides were told to substantiate the facts. Ms. Nazarian believes the park advocates have done this but the opposition has not with regard to the seasonal freshwater wetland statement. Ms. Nazarian believes the survey question of the recreational development should have options such as a pavilion and swings. Ms. Nazarian also believes the cost analysis sheet is inflated. She feels road blocks have and are hindering efforts to let all the citizens have a voice either for or against the recreational development of a park.

Jennifer Riggione (114 Anchorage Dr.) – Stated that a recent conversation she had with Councilman Fields made her question the democratic process in South Bethany. After recapping her conversation with Councilman Fields, Ms. Riggione stated that she thinks the Council needs to evaluate what their intent is – is Council's intent to have an unbiased survey or is Council's intent to sway the survey. Noting that she is a CPA, Ms. Riggione stated that she is concerned with the cost estimates, and she would not want the Council to spend money on anything on that land unless there was grant funding. Ms. Riggione believes that needs to be put in context so that there is integrity. Councilman Youngs asked Ms. Riggione to reread the first paragraph on the top of the second page of her transcript. Ms. Riggione reread the paragraph.

Pat Van Cleve (152 Anchorage Dr.) – Stated that when she accepted the Mayor's invitation to be on the Richard Hall Memorial Park Committee she believed the Chairman would serve as an impartial moderator. Ms. Van Cleve believes this is not what happened. She believes the democratic process in the Richard Hall Memorial Park Committee did not work. She has concerns that the financial figures submitted misrepresented the intention of only proceeding if grant monies were received, to stage the work over possibly a three year period, and to secure gifts in kind. Ms. Van Cleve believes the cost estimates are overstated. Ms. Van Cleve read an email she received from Tim Manly, a resident and civil engineer. Ms. Van Cleve stated that at the last Richard Hall Memorial Park Committee Meeting, the Committee agreed to remove the fencing cost quote and the Committee agreed that a statement would be included that the project would not go forward unless matching grant funds were received. Ms. Van Cleve stated that neither of these agreed upon points was honored in the survey packet. Ms. Van Cleve stated that she does not support the contents of this package that Council received, and she asked that Council send out two one pagers (a pro page and a con page) and a survey with opinions.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, October 8, 2010** – A motion was made by Councilman Youngs, seconded by Councilman Cestone, to accept the October 8, 2010, Town Council Workshop Meeting Minutes. The motion carried with a 6-0 vote. Councilman Junkin abstained.

RICHARD HALL MEMORIAL PARK COMMITTEE REPORT – OPINION SURVEY

Mayor Headman thanked the Richard Hall Memorial Park Committee. He stated that it was a challenging task and the Committee met many hours and tried to work out the issues. Mayor Headman gave a brief history of the Committee.

Based on what he had heard at the beginning of this meeting, Councilman Youngs suggested that Councilman Fields recuse himself from Chairman of the Richard Hall Memorial Park Committee and that everything the Committee has done to date be thrown out. Councilman Youngs does not believe it has been done with an unbiased intent. Councilman Youngs believes the Council should ask the Planning Commission to include the issue in their survey. Mayor Headman asked Councilman Youngs if his statement was in the form of a motion. Councilman Youngs said he would prefer Council handle it amicably and said he thinks it is up to Councilman Fields. Councilman Fields replied that he was not going to recuse himself.

Councilman Fields gave background information on the Richard Hall Memorial Park Committee and stated that the Committee was given the charge to determine the property owners feelings as to whether they wanted a recreational area in the park or did they not want a recreational area in the park. He stated that the Committee was charged to get a yes or no answer. Councilman Fields stated that if the response to the survey is yes we want a recreational area in the park, then the Planning Commission is in the perfect position to ask the question what do you want out there.

Councilman Fields reviewed the four page survey packet (attached) and the optional opinion survey form (page one) presented by Sue Callaway and Pat Van Cleve (attached). (Administrative Assistant's note - For the purpose of these minutes, the Richard Hall Memorial Park Opinion Survey that was included in the four page survey packet will be referred to as Survey Option 1 and the Optional Survey form (Page One) presented by Sue Callaway and Pat Van Cleve will be referred to as Survey Option 2.)

Regarding Survey Option 2, Councilman Fields and Councilwoman Callaway made the following comments:

Councilman Fields – Believes he would never get the pro and con groups to agree on how to count the survey. Believes that focusing on half a question to this degree puts bias in that page. The Committee was not charged with finding a middle. The Committee was charged with yes or no. Addressing Councilman Youngs, Councilman Fields said in March of 2010 Councilman Youngs wanted a referendum on the ballot that was as simple as yes or no. Councilman Fields believes this is the same thing. Councilman Youngs disagreed.

Councilwoman Callaway – Believes it is fine tuned to be a workable piece but the priority being that it has options. Reflects transparency, open communication, open mindedness, and fairness. Any other option would be compromising. Options empower people. It is not a vote for nothing or a vote for everything. It will give our citizens an opportunity to voice their opinions. Choice allows property owners a chance to make the selections that they are most comfortable with, particularly since the town has such a distinct variety of ages. If the survey response is favorable, options will help the town prioritize and provide direction. The essence of the multi option survey is that it is engaging, transparent, fair, and clearly communicates what choices are on the table. It includes a citizen write in option.

The following comments were made by Council Members regarding Survey Option 1 and Survey Option 2:

Councilman Cestone believes it is important to keep the survey as simple as possible. He likes Survey Option 1, but he agrees there could be a line at the bottom for comments.

Councilman Youngs does not like Survey Option 1. He disagrees that including options under Section B as Sue Callaway and Pat Van Cleve have done in Survey Option 2 makes it a biased survey. He thinks the opposite. Councilman Youngs suggested submitting the survey to an authoritative body such as the University of Delaware to ask them to answer the question definitively. Referring to the write in option, Councilman Youngs said if you put an option on the survey to let people speak their mind you negate what they have checked in the survey. He added if somebody checks no on the survey and then says they like the pavilion, how do you count that vote? Comments on a binary survey that result in opinions leads to contradiction that cannot be reconciled without another survey or some kind of detailed follow up. Councilman Youngs believes that if Council continues this survey in lieu of a referendum, then the survey belongs in the domain of the Planning Commission.

Councilman Junkin prefers Survey Option 2. He believes if the survey says all or nothing it is misleading. He believes there may be a lot of people that only want a pavilion or something like that.

Councilman Saxton would prefer Survey Option 1. He believes it follows what the Council wanted to do with the referendum. He does not believe Council moved away from the intent of a referendum. He believes the intent of this document was to stay with the yes or no type vote. Councilman Saxton believes that if the survey results are a yes, the Planning Commission should take it on in the spring survey.

Mayor Headman believes that when Council first started looking at getting feedback regarding the park it was going to be an up or down vote – do you support putting a recreational facility in the park or don't put one in. Mayor Headman believes if it is voted up, then the Planning Commission can include questions about the park on their survey. He believes this will give everybody an opportunity to give their input on the issue. The Planning Commission survey will go out in the middle to late spring. Mayor Headman sides with Survey Option 1.

Councilman Fields asked for a show of hands of the members of Council who want the opinion survey form that was approved by the Richard Hall Memorial Park Committee (Survey Option 1) to go forward with the packet. Councilman Fields counted four votes. Councilman Fields asked for a show of hands of the members of Council who are opposed to using the opinion survey form that was approved by the Richard Hall Memorial Park Committee (Survey Option 2). Councilman Fields counted three votes. Councilman Junkin requested there be a motion to make it official. A motion was made by Councilman Fields, seconded by Councilman Cestone, that the Council approve page one that is a part of the packet that the Council is considering tonight (Survey Option 1). The voting was as follows:

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

AGAINST THE MOTION: Councilpersons Callaway, Junkin, and Youngs

The motion carried with a 4-3 vote.

Regarding Page 2 and Page 3 of the survey packet, Councilman Fields believes that Council should not get into rewriting these pages. Mayor Headman stated that he sees a conflict – page 2 says the land is uplands certified by Duffield Associates and page 3 says the land is a seasonal wetland. Mayor Headman believes that if there is documentation of a statement and it was verified, then that statement could remain in the document. After a discussion regarding the statement on Page 3 "This is the last large piece of undeveloped land in South Bethany; it should remain in its natural state, a freshwater, seasonal wetland", Councilman Fields said he will put a period after "This is the last large piece of undeveloped land in South Bethany; it should remain in its natural state" and he will delete "a freshwater, seasonal wetland".

Page 4: Councilman Saxton reviewed Page 4, Budget and Finance Committee Cost Estimates.

Fencing – Councilman Saxton said that the Richard Hall Memorial Park Committee did have a discussion around whether to remove the fencing from the cost estimate or leave the fencing in the cost estimate. After a discussion at this meeting, Councilman Saxton agreed to take out the \$4,000 for fencing and took off \$200 for depreciation on the fence which will change the Average Total Annual Expense figure to \$10,020.

Councilman Junkin suggested changing, "The Town Council does not favor, support, or endorse this plan but has utilized it to generate potential costs for public information" to "The Town Council has not taken a position on this plan but utilizes it to generate the costs." After a discussion, Councilman Fields read back the change, "The Town Council has not taken a position on this plan but has utilized it to generate potential costs for public information." Councilman Junkin agreed. Councilman Fields said the change is made.

Councilman Youngs stated that as soon as the budget is included in the survey documentation, the survey becomes do you want to spend this money instead of would you like to do something with the area. Councilman Youngs thinks Page 4 should be thrown out.

Councilman Cestone stated that based on the people that have approached him on the park issue, most of them ask what it is going to cost. Councilman Cestone thinks the Council should leave the cost estimate in the package.

Councilwoman Callaway believes the most inflated number in the cost estimates is the contractual costs. She stated that estimates vary and added that it would have to be bid out. Councilman Saxton agreed that you will get a spectrum when you put things out to bid. He guessed that somebody would come in higher and somebody would come in lower than the estimate used for Page 4. Councilman Saxton believes a reasonable effort was made to get a number that is in the realm of possibility. Councilman Saxton said if Council wants to change it, Council can. Councilwoman Callaway said that Council can't pick numbers out of a hat. She stated that comparable estimates would need to be obtained or a statement could be added such as, *like all other town projects we will go through the normal bidding process*. She said this would give people a sense that these figures might not be right. Councilman Junkin stated that he is concerned with the \$44,000 figure.

Councilwoman Callaway went back to a discussion at the Richard Hall Memorial Park Committee meeting that this park design was provided by the South Bethany Park Committee. She stated that the South Bethany Park Committee has always envisioned any park recreational area development to be contingent on the acquisition of grant funds. She added that if there are no grant funds in place and no additional resources, then we don't move forward. Councilwoman Callaway thinks it is important that this be stated. After a discussion it was agreed to change the last sentence of the second paragraph on page 4 from "As with other Town projects, the Town will pursue all available grants, but there is no guarantee of the amount or receipt of these funds to finance the project" to "The current Town Council would not proceed to develop a park without grants and/or outside funding".

Councilman Fields stated that the four pages will be brought to the Council at the November 12, 2010, Town Council Regular Meeting for their approval or disapproval.

Councilman Fields reviewed the changes to the survey packet:

On page 3 strike "a freshwater, seasonal wetland".

On page 4 change the third sentence of the first paragraph to "The Town Council has not taken a position on this plan but has utilized it to generate potential costs for public information."

On page 4 change the third sentence of the second paragraph to "The current Town Council would not proceed to develop a park without grants and/or outside funding."

On page 4 take out \$4,000 for fencing and subtract \$200 for depreciation on the fence.

Council took a short break.

TOWN SURVEY – PLANNING COMMISSION

Councilman Youngs was absent for the remainder of this meeting.

Mayor Headman thanked the Planning Commission for the work and effort they put into the Town Survey.

Councilman Junkin stated that the Planning Commission is looking for three things from Council: (1) Are there questions on the survey that should not be on the survey; (2) Are there questions that are not on the survey that should be on the survey; (3) Should a professional person go through the survey. Councilman Junkin explained that the Planning Commission developed this survey based on the sample from the University of Delaware.

Jim Gross, Planning Commission Chairman, stated the three objectives of the survey: (1) Provide information for fiscal prioritizing of projects; (2) Guide the Council in improving Town services; (3) Provide data for reviewing and revising the Comprehensive Plan. Mr. Gross said

that at the Planning Commission's June 28, 2010, meeting the Commission appointed a drafting committee. Dick Oliver chaired the drafting committee and did an outstanding job. The Planning Commission agreed it would be good to get the property owners input and the Commission invited Kathy Jankowski to participate. Ms. Jankowski contributed a lot. Planning Commission Member Sandi Roberts did an outstanding job of keeping track of this constantly moving document. The Planning Commission looked at past South Bethany surveys and others as models. The Commission attempted to be comprehensive, but decided not to gather data that would not be useful.

Dick Oliver reviewed the South Bethany Comprehensive Plan Community Questionnaire (attached). Council made suggestions. Mr. Gross requested that Council submit their comments in writing to Mr. Oliver.

Regarding the data collection, Mr. Oliver stated that there is good software available that will collect and collate the data. One such software is SurveyMonkey.

Mayor Headman stated that he would like to find out what the cost would be to have somebody with expertise review the document.

Mayor Headman indicated that the timing to send out the Planning Commission survey would be late spring 2011 at the earliest.

AWARD BID NO. 11-01 INSTALLATION OF INSULATED GARAGE DOORS

Council had received a memo from the Town Manager explaining Bid No. 11-01 (attached) and the Bid Tabulation Sheet for Bid No. 11-01 (attached). In his memo, the Town Manager recommended that the Town Council Award Bid No. 11-01 to Yoder Overhead Door Co. for their bid of \$7,599.00.

A motion was made by Councilman Junkin, seconded by Councilman Cestone, that Council accept what the Town Manager has asked for in his memo dated October 21, 2010. After a discussion, the motion was unanimously carried.

DISCUSSION ON RENTAL LICENSES AND RENTAL TAX COLLECTIONS

Due to the length of the meeting, Council agreed to postpone this discussion until the November Workshop.

BUDGET AND FINANCE COMMITTEE REPORT

Councilman Saxton reported that the Town Rental Tax numbers are above budget.

ADJOURNMENT

A motion was made by Councilman Fields, seconded by Councilman Cestone, to adjourn the October 28, 2010, Town Council Workshop Meeting at 8:45 p.m.

phs:Workshop Minutes.10.28.10

Attachments: Four Page Survey Packet (includes Survey Option 1)
Optional Opinion Survey Form (Page One) Presented by Sue Callaway and Pat Van Cleve (Survey Option 2)
South Bethany Comprehensive Plan Community Questionnaire
Memo from the Town Manager explaining Bid No. 11-01 and the Bid Tabulation Sheet for Bid No. 11-01