

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
MAY 26, 2011**

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Bob Cestone, Tim Saxton, Sue Callaway, George Junkin, and Jim Gross; and Town Manager Melvin Cusick

MEETING CALLED TO ORDER

Mayor Headman called the May 26, 2011, Town Council Workshop Meeting to order at 6:00 p.m.

Mayor Headman asked the Town Manager to give a report on where the Town was regarding the kick off to the summer season. The Town Manager reported:

- Ocean Drive paving project is finished.
- The Town had the beach cleaned due to the large amount of grass and reed that washed up on the beach from a low pressure system off the coast the previous week. The Town's Maintenance staff also worked hard to get the beach cleaned up for Memorial Day Weekend.
- The Beach Patrol stands are all set up.
- The sand fence is not finished. DNREC has not had the help to get it done before Memorial Day.
- DNREC did get the handicap ramp in an acceptable condition for Memorial Day Weekend. DNREC will hopefully be back next week to finish it. The Town Manager noted that DNREC had to haul in sand in order to rebuild the handicap ramp. It was expensive for DNREC to get the ramp ready.
- The Mobi-Mats are in.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADOPTION OF MINUTES – Town Council Regular Meeting Minutes, May 13, 2011

A motion was made by Councilman Cestone, seconded by Councilman Fields, to accept the May 13, 2011, Town Council Regular Meeting Minutes as amended by Councilman Junkin as follows:

Page 7, Last Paragraph: Change "Storm drain stenciling work has been done to help educate or inform people that whatever goes down the drain ends up in the canal" to read "Storm drain stenciling would like to be done to help educate or inform people that whatever goes down the drain ends up in the canal.

The motion was adopted.

TREE GRANT – DELAWARE DEPARTMENT OF AGRICULTURE FOREST SERVICE (Sue Callaway)

On May 23, 2011, Councilwoman Callaway, Mayor Headman, Councilman Junkin, the Town Manager, and the Maintenance Supervisor met with Kyle Hoyd from the Urban Forestry Division of the Delaware Department of Agriculture (DOA) regarding \$14,000 which is available from the DOA to be used for the Town to purchase trees. It does not involve a grant application. It is a contract commitment that the Town of South Bethany would sign with the DOA agreeing to plant trees. South Bethany is one of four communities that have been targeted for these funds from the DOA. There are very few restrictions other than to purchase trees and to do some work in terms of treating phragmites. The Town already treats phragmites so this would be something the Town would continue to do. It is a matching fund opportunity. Kyle Hoyd presented numerous things that the Town has already done which can be used as matching funds. As

matching funds the Town can use money spent a year prior to this on trees and excavation in town and the Maintenance Department's time spent treating phragmites as well as other work the Maintenance Department and volunteers have done. The DOA is very willing to work with the Town regarding matching funds. The tree planting is to be done in conjunction with the funds and excavation work from the storm water management project that is being done on the Rt. 1 median with DeIDOT and the CIB. The trees would have to be planted by November 30, however there is a possibility of an extension if schedules don't synchronize quite right with the storm water management project. Councilwoman Callaway stated that it is a great opportunity for the Town. It will expedite the Town's long term plan for trees and at no additional cost to the Town of South Bethany. The second thing the DOA will do for the Town is a study of how much tree canopy is in the Town and they will give the Town suggestions for improvements. The Town will not be required to make the improvements but it will give the Town a target to shoot at.

Regarding the matching funds, Councilman Saxton asked for a dollar value that the Town is at today. Councilwoman Callaway stated that she had not added it all up yet but that there was no concern at the meeting with Mr. Hoyd that the Town couldn't hit the match. For future projects, Councilman Saxton recommended that the Council have the dollar value already added and brought to the Council for approval.

After further discussion, a motion was made by Councilwoman Callaway, seconded by Councilman Junkin, that the Town Council approve the Town of South Bethany signing a contract agreement with the Department of Agriculture to receive funds (\$14,000) that will support the completion of the South Bethany tree land project. The motion was adopted.

YARD WASTE DISCUSSION

The Town Manager reported that the May yard waste pickup took 2.5 days for the contractor to complete the work and he picked up just under 11 tons of yard waste. The Town Manager stated that the Town is running over what was budgeted. The Town billed \$6.53 on everybody's trash bill for yard waste, which amounts to a little over \$9,000. There is a little less than \$1,800 left in that account.

Councilman Junkin asked how it compares to the trash pickup. The Town Manager said the Town keeps running totals of trash and recycling and he will get those totals for Council. Councilman Junkin suggested comparing last year's totals to this year's totals. Mayor Headman stated that the Town is keeping track and as Council sets the budget for next year Council will have to look at all that information and make adjustments.

Councilwoman Callaway suggested picking up the yard waste twice a month as an experiment. After a discussion, Council decided to continue with once a month for the first year and then make decisions based on that experience.

Councilman Saxton recommended taking funds out of the reserves if the yard waste costs go over what is budgeted.

The Town Manager noted that there is another tonnage increase for the landfills coming up July 1. The amount of the increase is not known, but it is not going up as much as it did last year.

DISCUSSION OF TOWN SURVEY RESULTS

Mayor Headman thanked Councilman Junkin for the incredible amount of hours he spent putting this data together. Mayor Headman also thanked Councilwoman Callaway for taking every comment from the surveys and typing them into a document. In all it is 97 pages of materials. Mayor Headman stated that tonight Councilman Junkin will present the report and Council will talk about potential next steps. Council will not finish the discussion tonight. The Council will continue to discuss the survey results at the next Town Council Workshop Meeting.

Councilman Junkin reviewed the Town of South Bethany April 2011 Comprehensive Plan Community Survey Results Report – June 2011 (attached).

Page 5: Change words to Very Much Needed, Needed, Not Needed, etc.

Council agreed that written comments from the surveys should be taken out of the report. It was suggested to include the pages of comments as an appendix to the report.

Page 13 Yard Waste: Because the issue of yard waste was not an official part of the survey, Council agreed to take this paragraph out of the body of the report.

Regarding charts that compare Primary, Secondary, and Rental properties, Council agreed to combine the Secondary and Rental properties and collapse the charts into Primary and Secondary.

Page 22: Delete the Total bar and just show the Primary and Secondary results.

Councilman Junkin will work on improving the color codes on pages 21 and 24.

Mayor Headman again thanked Councilman Junkin for the unbelievable job he did on the report. Mayor Headman stated that Council will be going through this at the next Workshop after Councilman Junkin makes the modifications. Mayor Headman asked Council to think about how to distribute the results to the community. Mayor Headman stated that this will be a document that the Council uses for improvements to the Town and for long range planning.

Councilman Gross stated that he believes Council has an obligation to share the information with the Planning Commission soon because there are implications in regards to their work. Councilman Gross noted that the Planning Commission had drafted the first survey documents. Mayor Headman believes at the next Workshop Council will finalize the report and can decide how to distribute it.

DISCUSSION OF ORDINANCES

Mayor Headman said that he and Councilman Gestone met after the first readings and made modifications to the ordinances based on suggestions made at the first readings.

Ordinance 156-11, Chapter 84, Licenses and Permits, to increase penalties, limit use of voluntary penalty, and add denial and/or revocation of rental license for violations of Chapter 100, "Peace and Good Order"

Mayor Headman stated that Councilman Gross made suggestions regarding the ordering of Chapter 84. Council had a copy of Councilman Gross' suggested changes (attached – marked **DRAFT – Councilman Gross**). Regarding § 84-13A of Councilman Gross' draft, Councilman Gross agreed that the wording could be changed to establish the need for a rental license.

§ 84-13B Councilwoman Callaway suggested changing "person" to "property owner".

Regarding § 84-13, Councilman Junkin stated that he does not believe the penalty should be the same for renting without a license as it is for advertising to rent without a license. He believes there needs to be two separate paragraphs – one paragraph that says no property owner shall lease or rent to another and one paragraph that says no property owner shall advertise to lease or rent.

Councilman Fields suggested taking the original ordinance and strengthen the fines. He does not believe it is necessary to require a rental license to advertise. After discussion, Councilman Fields said that if the penalty for advertising without a license was softened up, that would make it a little more reasonable.

After discussion, a motion was made by Councilman Junkin that Council incorporate Councilman Gross's comments as Council discussed them here and that Council incorporate Councilman Junkin's comments which is to break the paragraph in § 84-13 that talks about lease and advertise into two paragraphs so that there can be different penalties for renting as from advertising, and keep the penalty for renting the same as it is and change the one for advertising to whenever any property owner shall have been notified in writing, certified mail, return receipt requested by the Code Enforcement Constable or Town Manager or other Town Official if found guilty, etc., be fined \$300 for each continued day of violation from the notification date. To clarify Councilman Junkin said the fine is \$300 a day – it is \$150 if the property owner charged with the violation chooses to cure the violation. Council agreed.

§ 84-14.2: Councilman Saxton stated that he does not agree with this section. He believes the Town is putting the entire onus on the property owner versus nothing on the tenants. He also believes there has to be some responsibility on the part of the Town. Mayor Headman said he hears Councilman Saxton's point, but he does not see any other Council Members supporting that view.

Ordinance 157-11, to amend Chapter 118, Taxation, to change rental tax due date, increase penalties, and add voluntary assessment penalty option and limitations.

Because of changes made to Ordinance 156-11, Councilman Junkin said to make sure the references in Ordinance 157-11 are correct.

BUDGET AND FINANCE COMMITTEE REPORT (Tim Saxton)

The Budget and Finance Committee Meeting is Saturday, May 28, 2011, at 10:30 a.m. The Committee will be discussing reserves and will propose where those reserves should be placed. The Committee will do a final review of the FY 2011 year end report. The Committee will discuss how much is enough to have in reserves and the Committee will have a final recommendation for Council before Councilman Saxton steps down.

Over the past two years the reserves have gone from around \$700,000 to about \$1,400,000.

Mayor Headman expressed his thanks to Councilman Saxton for two years of working diligently as the Chairperson of the Budget and Finance Committee and helping the Town move in the right direction.

PUBLIC COMMENT PERIOD

There were no comments from the public.

A motion was made by Councilman Junkin, seconded by Councilman Gross, to go into Executive Session. The motion was adopted.

EXECUTIVE SESSION – DISCUSSION OF INDIVIDUAL CITIZENS' QUALIFICATIONS AS POTENTIAL CANDIDATES TO FILL VACANT COUNCIL SEAT

Council went into Executive Session at 8:25 p.m. to discuss individual citizens' qualifications as potential candidates to fill the vacant Council seat.

RECONVENE WORKSHOP MEETING

Council reconvened the Workshop Meeting at 8:45 p.m.

ADJOURNMENT

The May 26, 2011, Town Council Workshop Meeting was adjourned at 8:47 p.m.

phs:Workshop Minutes.5.26.11 Amended 6.10.11

Attachments: Town of South Bethany April 2011 Comprehensive Plan Community Survey Results Report – June 2011
Ordinance 156-11 [DRAFT May 26, 2011, Workshop Meeting](#)
Ordinance 156-11 [DRAFT – Councilman Gross](#)