

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
AUGUST 26, 2010**

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Bob Cestone, Sue Callaway, George Junkin, and Rob Youngs; and Town Manager Melvin Cusick

EXCUSED ABSENCE: Councilman Tim Saxton

MEETING CALLED TO ORDER

Mayor Headman called the August 26, 2010, Town Council Workshop Meeting to order at 6:00 p.m.

PUBLIC COMMENT PERIOD

Nancy Spiotto (Victoria Road) – Stated that behind Grotto's business every evening employees wash the very large mats that are behind the counters with an industrial Clorox and other products and it goes right into the canal. Mayor Headman stated that the Town will follow up.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, August 13, 2010** – A motion was made by Councilman Cestone, seconded by Councilman Fields, to accept the August 13, 2010, Town Council Regular Meeting Minutes as amended by Councilman Junkin as follows:

Page 1, Property Owners' Participation, Tom Roche: Change "Referring to the Assawoman Canal dredging, Mr. Roche noted that there are wake signs that have been in disrepair for over a year" to read "Referring to the Assawoman Canal dredging, Mr. Roche noted that there are **"no wake"** signs that have been in disrepair for over a year."

The motion was unanimously carried.

BEAUTIFICATION COMMITTEE – ADOPT A CANAL PROGRAM

Council had copies of a memorandum from Councilwoman Callaway to the Town Council, a PowerPoint presentation titled Adopt a Canal End & Adopt a Road End Presented by Beautification Committee August 26, 2010, and a promotional flyer titled South Bethany Beautification Committee Introduces Adopt-A-Canal End & Adopt-A-Road End Program (all three documents are attached). Councilwoman Callaway reviewed the documents. She stated that the Committee will develop model designs for the property owners that will reflect some of the things learned from Sue Barton of the University of Delaware regarding native plants that would promote better prevention of water runoff as well as require less maintenance. After her presentation, Councilwoman Callaway asked for questions and comments from Council.

Councilman Cestone stated that he believes it is a great idea. Referring to the contract or agreement, Councilman Cestone noted that § 125-2A of the Town Code addresses property owners who want to beautify a street or canal end. It was suggested to reference the Code in the agreement. Councilman Cestone also suggested not recommending rose bushes (because of the thorns) or evergreens over five feet high (because of the view) in the proposed plans. While inquiring about the materials to be used, Councilman Cestone noted that mulch has a tendency to float away and pollute the canals. Lastly, Councilman Cestone suggested not encroaching into the street right-of-ways for traffic reasons.

Mayor Headman stated that the Beautification Committee's presentation is well done. He inquired about step one of the process – talk with your neighbors about your ideas and enlist their interest and help. Councilwoman Callaway said that the Committee talked about that a lot because someone might be really excited about getting involved, but the property owner who adjoins the canal end may not be interested or may not want it touched. She said the neighbors will have to resolve that issue, and she guesses that they will not approach the Beautification

Committee until they have a consensus among their neighborhood. Mayor Headman inquired about the roll out of the program. Councilwoman Callaway stated that maybe the group that has the most well developed plan would be the one to go first.

A motion was made by Councilman Cestone, seconded by Councilman Junkin, that the Council supports this adopt a canal program as presented while considering the comments that Council members made. The motion was unanimously carried.

DISCUSSION ON SENDING "NEWS UPDATES"

Mayor Headman stated that Council had a conversation at the beginning of the year that it would look at ways to improve communication in the town. The News Update is a way in which to communicate with the property owners by email in a timely way. The plan was to do a News Update once a month if appropriate. The Town currently has about 600 people on the email list. Mayor Headman said that the question for discussion (not a decision today) is should the Town be mailing the News Update to the property owners not enrolled in the email program. Councilman Headman noted that the cost to mail the ZEPHYR is about \$865 and the cost to mail the News Update would be about \$450 (cost includes postage, copies, labels, paper, and mailing seals). Staff time is additional and would be approximately 8 hours for the News Update. Mayor Headman said a few people have asked him why the News Updates are not mailed. Mayor Headman asked Council for their feelings regarding the Town mailing the News Updates.

Councilman Fields stated that the Council is elected to represent the people. The Council has all the information and knows what is going on, and if you try to inform the public of an issue the problem is getting all the information to the public. Fundamentally, Councilman Fields questions the value of the News Updates from that point of view. Councilman Fields added that the cost is a consideration.

Councilman Junkin stated that he likes the updates but does not like the idea of spending \$6,000 a year for mailing one News Update a month.

In lieu of mailing the News Update every month, Councilman Cestone suggested increasing the ZEPHYR to four a year as it used to be. There would be three months without an update, but all of the public would be informed. Councilman Cestone said the problem with emailing the News Update is we are selectively informing people.

Councilwoman Callaway inquired what the Town was doing to promote the email program. Mayor Headman said the plan is to have an article in the upcoming ZEPHYR encouraging people to enroll in the email program.

Councilman Youngs stated that South Bethany is not representative of the population at large in terms of computer availability and email users. He said there is a large percentage of the population in South Bethany that do not use email and do not want to use email. Councilman Youngs suggested considering a program where property owners could supply a self addressed stamped envelope to the Town for mailing the News Update. This would get rid of the email bias by allowing people to opt in. Instead of costing the Town \$6,000 a year it would cost the property owner \$4.00 a year.

To offset the labor costs, Councilwoman Callaway suggested organizing volunteers to help. She also suggested calling the News Update E News Update and maybe increase the frequency of the ZEPHYR. She also noted that the Town has the website to post information on.

Mayor Headman believes the News Update becomes important when there is information that is not readily available to property owners who do not live in town. Getting the information on one sheet of paper is difficult but it can be done. Mayor Headman believes communication is important. He said one of the goals is to improve communications and one way to do it has to be through news updates.

Councilman Youngs stated that he believes a little bit of information is better than none as long as you don't mislead. Councilman Junkin added that it alerts the people that something is happening. If they care, then they can start doing research on it.

RICHARD HALL MEMORIAL PARK COMMITTEE

Councilman Fields referred Council to the outline he had prepared titled For Discussion Richard Hall Memorial Park Committee August 26, 2010 (attached). After reviewing Item 1 of the outline, Councilman Fields asked for Council's feedback as to whether to have a nonbinding referendum, a survey, a poll, or a questionnaire regarding the proposed park.

Councilman Youngs stated that if the referendum were held in conjunction with the Town's annual election in May there would be no added costs and no exceptional qualifications or loopholes. Councilman Youngs said that a referendum is a poll. Councilman Youngs stated that it doesn't matter if it is a binding or nonbinding referendum – that is just the source of where the referendum comes from. A binding referendum is when the people in the Town get enough signatures on a petition to force the Council to a referendum. A nonbinding referendum means the Council took it upon itself to hold a referendum. Councilman Youngs stated that the turnout for a referendum will be better than a turnout for a poll or survey. Councilman Fields disagreed saying that in the 2010 Town Election 589 people, including absentee ballots, voted. He said that whatever the Town sends out will go to 1305 people with a self addressed envelope enclosed. Councilman Fields expects to get 900 or 1000 responses back. Councilman Youngs disagreed and said statistically it does not happen. Councilman Fields believes this is a question that the Town will get a lot of responses to. Councilman Cestone said he believes the Town will get more than 15% of the surveys returned noting that in the mid nineties the Town mailed out a survey administered by the University of Delaware for the Comprehensive Development Plan. The University brought up that the Town may get a 15 or 20 percent response. Councilman Cestone said the actual responses were more than double what they expected. Supposing there are not enough people running for Council to require an election, Councilman Cestone asked what the likelihood would be of people coming into town just to vote for the referendum.

Councilman Junkin said that if a referendum is done at the same time as the election it does not cost as much as sending out 1300 envelopes plus 1300 self addressed envelopes. However, if there is not an election in May because there weren't enough people running for Council, then the referendum would become a special election and it would cost a lot. Councilman Junkin said one of the reasons to do a poll or a survey is to try to get feedback earlier rather than later, but he does not think waiting until May is a bad thing if the time is used to get information out to the people.

Mayor Headman said the Town did not have an election in 2007 and 2008. Two out of the last five years (40%) the Town did not have an election. Mayor Headman likes the idea of mailing out a survey to everybody because there wouldn't be an issue of getting back to town to vote. He believes the Town will get a bigger return than 25% (which is about what he estimated voted in the 2010 election). He guesses the return will be closer to 50% or more.

Councilman Fields said he will call it a survey.

Item 2 of the outline (format for and amount of distributed information): Councilman Fields said the Richard Hall Memorial Park Committee felt that the mailing for the survey would include: one sheet of paper with information for the recreational area, one sheet of paper with information for keeping the park in its natural state, one sheet of paper with a cost analysis, one sheet of paper for the survey form, and a stamped envelope to return the survey in. Certain margins and font size would be required.

Councilman Youngs believes public meetings would not be amiss for presentation of information, and a public hearing doesn't cost anything. Mayor Headman said he is not opposed to public meetings and thinks they are valuable. Councilman Fields said the Committee is charged with doing a survey. The Committee is not really charged with public meetings. There is a limit to what the Committee can do as a Council committee. If you have a public meeting you have to

present both sides of the question. Mayor Headman stated that he assumes you would use the pros and cons included in the survey mailing.

Item 3 of the outline (when to conduct the information gathering process): After a discussion, Mayor Headman suggested the Richard Hall Memorial Park Committee bring their recommendations (the whole package) to the Council, if they are ready, at the October Town Council Workshop Meeting for approval and then decide when to mail it out. Councilman Fields agreed.

DISCUSSION OF APPOINTMENT PROCESS FOR BOA AND PLANNING COMMISSION

Councilman Cestone said he feels that when Council considers a new member for the Board of Adjustment and the Planning Commission, their qualifications need to be discussed in an executive session. He said the Freedom of Information Act (FOIA) clearly identifies that the candidate's qualifications can be discussed in an executive session unless the person wants it done in public. Councilman Cestone said the problem with discussing their qualifications in public is it could appear that you are dragging the person's name through the mud, and if you do that you are not going to have people volunteering anymore.

Councilman Junkin said he does not have a problem with that. Councilman Youngs said he does not have any objection to it, but he thinks it is overkill. Councilwoman Callaway said she feels the same way. She trusts the chair's recommendation. Councilman Fields said that Councilman Cestone's process is correct – you should have a resume and you should be able to discuss that person's qualifications in an executive session.

Based on the feedback from the Council, Mayor Headman said he is not going to change the process at this time. His expectation is that if there are questions regarding the person being nominated, they should contact the Council member who is the liaison for that committee. Mayor Headman said he will put a copy of the candidates' bios in Council's mailboxes.

PUBLIC COMMENT PERIOD

Nancy Spiotto – Regarding the survey, suggested putting the pros and cons in the ZEPHYR in order to have more educated consumers. She said the ZEPHYR is a mailing that is already going to be paid for. Ms. Spiotto believes the survey should go to everyone in town that pays taxes and should be mailed to their tax address. Regarding the News Update, Ms. Spiotto thinks it is unfair to send it to the people who have email and then the other people don't receive the information. Ms. Spiotto inquired if Council had formed a committee for capital expenditures. She said that after talking to people in town the past two weeks, people are concerned about walkways, the blue mats, the handicap ramps, paving Ocean Highway, and drainage. Lastly, Ms. Spiotto said she disagrees with Councilman Junkin when he said this Council has talked about a survey about this park. She said Council has never talked about a survey about this park until now. She said it was talked about by the Homeowners Association, and they are the people that brought this up. It was not done by this Council or any other past Council. Ms. Spiotto inquired about the makeup of the Richard Hall Memorial Park Committee. She does not believe the makeup of the Committee is fair. She also does not think it is fair that there was a vote to fund the survey in the afternoon and then that night vote on whether or not to buy that piece of property.

ADJOURNMENT

A motion was made by Councilman Fields, seconded by Councilman Youngs, to adjourn the August 26, 2010, Town Council Workshop Meeting at 7:35 p.m.

phs:Workshop Minutes.8.26.10

Attachments: Memorandum from Councilwoman Callaway to the Town Council
PowerPoint presentation titled Adopt a Canal End & Adopt a Road End Presented by Beautification Committee August 26, 2010
Promotional flyer titled South Bethany Beautification Committee Introduces Adopt-A-Canal End & Adopt-A-Road End Program
Outline titled For Discussion Richard Hall Memorial Park Committee August 26, 2010