

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES FEBRUARY 10, 2012

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Pat Voveris, Al Rae, and Jim Gross; Town Manager Melvin Cusick; M/Cpl. Lee Davis; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilpersons Sue Callaway and George Junkin

MEETING CALLED TO ORDER

Mayor Headman called the February 10, 2012, Town Council Regular Meeting to order at 7:05 p.m., followed by the Pledge of Allegiance to the Flag.

PROPERTY OWNERS' PARTICIPATION

- Kathy Jankowski (310 W. 4th St.) – With trash collection changing to Mondays and Fridays in the summer, Ms. Jankowski asked if there would be a trash collection before the South Coastal Library Beach and Bay Cottage Tour in order to make sure South Bethany looks nice for the tour. Mayor Headman agreed that the town needs to be in good shape for the tour and the Town will make sure that South Bethany is clean for the tour.
- Mary Suazo (7 S. 3rd St.) – Announced that the Historical Society will have a display table presentation at the March 7, 2012, workshop sponsored by DNREC on the commemoration of the '62 storm. The Historical Society is asking property owners for pictures or information on the '62 storm to include in the display. On June 8, 2012, the Historical Society has planned a presentation at the South Coastal Library on the implications of the '62 storm on South Bethany. Wendy Carey, who is leading the DNREC workshop on March 7, will attend the presentation on June 8. The Historical Society has asked for grant funds for the presentation on June 8. Both events are community sponsored and the Historical Society hopes to have participation from everyone. Mayor Headman said that a News Update regarding the workshop can be sent out.
- Ed Nazarian (20 Peterson Dr.) – Inquired if the cost factor for the electronic speed controls regarding speeding tickets had been figured out. Mayor Headman stated that the electronic speed controls were purchased with grant monies. Mayor Headman stated that one of the concerns from the Town Survey was the issue of safety when crossing Route 1. The Chief of Police advised that the electronic speed controls have been effective in other towns. The Chief of Police also noted that the electronic speed control signs will reduce the revenue from speeding tickets.

Mr. Nazarian inquired if the Town has the cost to property owners regarding trash, recycling, and yard waste collection which will be presented on the town taxes. Mr. Nazarian also asked if yard waste pickup was necessary every other week during the wintertime. Mr. Nazarian believes once a month would be sufficient. Mayor Headman stated that there were many complaints from the Town Survey regarding yard waste collection. The Council considered once a month, but because property owners come down at different times Council decided to have yard waste pickup every other week year round. Mayor Headman stated that the cost will be calculated during the budget process. Mayor Headman believes property owners will be happy with the cost.

- Mary Suazo (7 S. 3rd St.) – Concerned about changing the trash pickup to two days from three days. Ms. Suazo hopes Council monitors that closely during the summer. Ms. Suazo stated that if there is trash that is not picked up, it will give a bad impression to renters which could affect the possibilities of renters coming back to South Bethany. Mayor Headman stated that Council will monitor it and will make sure that South Bethany stays clean.

LEADERSHIP REPORTS

• **Mayor’s Report**—Mayor Headman reported:

Mayor Headman stated that the results of the Town Survey are very important to the Council. Council is pleased with the results, but there were also comments that said there could be improvement in certain areas. Council discussed and put together a list of improvements. Mayor Headman highlighted the following areas for improvement:

- Speed limit on Rt. 1 and crossing safely – Electronic speed controls have been installed at no cost to the Town.
- Speeding on the side streets
- Recycling – Property owners who do not live in South Bethany felt they could not use recycling because they couldn’t get the cart out on Friday. Council approved changing the recycling day to Saturday.
- Town Website – The Administrative Assistant and the Town’s web service provider (Coastal Images, Inc.) are making some small improvements to improve communications.
- News Updates – Only 560 property owners have signed up for the News Updates. The goal is to increase that number. The South Bethany Property Owners Association will send an email to property owners who receive emails from the SBPOA but are not registered in the Town’s Email Communications Program encouraging them to register with the Town.

A complete list of improvements will be in the ZEPHYR.

The Budget and Finance Committee will also be making recommendations regarding improvements from the survey.

• **Town Manager’s Report**—Melvin Cusick reported:

BBVFC Ambulance Service - The January reports and the year-end report for 2011 were available on the sign-in table.

Beach Replenishment – The pumping is completed. DNREC has started rebuilding the dunes in Dewey Beach and Rehoboth Beach. South Bethany is scheduled to have its dunes rebuilt after that.

The Town is scheduled for a community assistance visit from FEMA on March 8 regarding the National Flood Insurance Program. The Town will have to provide copies of the flood plain management ordinances, records of permits of all new structures, all elevation certificates for the past five years, and variances requested, denied, and approved since March 1, 2007.

Mayor Headman thanked the Town Manager for picking up the Code Enforcement Constable (CEC) duties while the Town was between CECs.

• **Treasurer’s Report**—Pat Voveris reported as of January 31, 2012:

Balance Brought Forward	\$ 1,940,833.31
January Revenue	\$ 82,804.53
January Disbursements	\$ 123,503.22
Balance	\$ 1,900,134.62

Profit and Loss:	Total revenue	\$ 2,020,844
	Expenditures	\$ 1,660,884
	Leaving an excess revenue of	\$ 359,960

- In January the Town purchased a CD at a 2% rate which currently gives the Town an overall investment yield of 1.5%. Councilwoman Voveris hopes by August the overall return will be up to 1.65%.
 - Overall budget: Revenue is at 89% and expenses are at 77%. All departments are operating within budget.
 - Rental revenue is \$19,000 to the good.
 - Property tax is \$2,000 to the good.
 - Transfer tax is down 79% from the same time last year. Overall transfer tax is at 57% of budget. The Town budgeted \$300,000 for transfer tax revenue. The Town has collected \$172,364. Nine months into the budget the Town is 40% down from the same nine month period last budget. The last three months of the FY 2011 budget generated 23% of the transfer tax revenue. If the Town generates 23% of the transfer tax revenue in the last three months of the current budget, the Town will end up at 70% of the budgeted transfer tax revenue number (\$210,000). The Town would have a shortfall of \$92,000. Councilwoman Voveris believes the Town will have that shortfall. In order to meet the budgeted number of \$300,000, \$9,000,000 worth of property would have to sell between now and April 30.
- **Police Department Report/Questions**—M/Cpl. Lee Davis reported for the month of Jan., 2012:
 - Overall for the month – Seven agency assists
 - A couple of alarms
 - One welfare check
 - One water leak
 - One suspicious person

Councilman Rae inquired if the department tracks cell phone violations as they do seatbelt violations. M/Cpl. Davis said not individually. M/Cpl. Davis explained that the seatbelt number is tracked because it is used to get grants for the seatbelt enforcement.

The Town Manager stated that there were three central air conditioning units stolen on the ocean side which will be reported in the February police report.

ORDINANCES/RESOLUTIONS

- **Third Reading of Ordinance 158-11, to amend Chapter 42, Building Construction, to update § 42-5C to agree with § 145-68A(6). (Jay Headman)**

Mayor Headman reviewed Ordinance 158-11 and asked for questions. There were no questions. A motion was made by Councilman Gross, seconded by Councilman Rae, to approve Ordinance 158-11. The voting was as follows:

FOR THE MOTION: Mayor Headman and Councilpersons Fields, Voveris, Rae, and Gross

AGAINST THE MOTION: None

The motion carried with a 5-0 vote.

- **Third Reading of Ordinance 159-11, to amend Chapter 145, Zoning, to allow permeable pavers within the Town right-of-way. (Jim Gross)**

Councilman Gross asked for questions. There were no questions.

A motion was made by Councilman Gross, seconded by Councilwoman Voveris, to approve Ordinance 159-11. The voting was as follows:

FOR THE MOTION: Mayor Headman and Councilpersons Fields, Voveris, Rae, and Gross

AGAINST THE MOTION: None

The motion carried with a 5-0 vote.

- **Second Reading of Ordinance 160-11, to amend Chapter 6, Contracts and Bidding, to increase bidding monetary amounts. (Pat Voveris and John Fields)**

Councilman Fields explained that Ordinance 160-11 increases the amounts of money allowed in bidding and contracts and changes the purchasing procedures to give the Town Manager the authority to sign contracts in the absence of the Mayor. Councilman Fields reviewed § 6-2B.

Mr. Cestone stated that, as in the past, the Town Attorney should review every contract over \$10,000 (or it could be a greater number since this ordinance is increasing the dollar amount), and the Town Attorney should review the contract if there has been a modification to the standard contract. Mayor Headman agreed.

Mayor Headman declared this the second reading of Ordinance 160-11.

- **First Reading of Ordinance 161-12, to amend Chapter 84, Licenses and Permits, Article I, entitled "Mercantile Licenses" to add a temporary mercantile license. (Pat Voveris)**

Councilwoman Voveris acknowledged Councilman Junkin for his help in writing this ordinance and Councilman Fields for his time in reviewing the ordinance.

Councilwoman Voveris explained that the purpose of this ordinance is to add a 30-day mercantile license. Councilwoman Voveris reviewed Ordinance 161-12. Councilwoman Voveris is not sure if § 84-4 A, B, and C are necessary. She noted that the ordinance will be sent to the Town Attorney for his review and decision after this reading.

Mr. Nazarian inquired about the fees. Councilwoman Voveris stated that the annual license fee is \$150, and the 30-day license fee is \$30. The 30-day license may be purchased once per fiscal year. The 30-day license fee can be applied to the purchase of either an annual or a six-month license if done so within the 30 days of having the 30-day license.

Mayor Headman declared this the first reading of Ordinance 161-12.

- **First Reading of Ordinance 162-12, to amend Chapter 104, Property Maintenance, Article III, entitled "General Provisions", to require the removal of dead trees from all Town lots. (John Fields, Pat Voveris, and Jim Gross)**

Councilman Fields stated that this ordinance is about beautification and requiring people to take down dead trees (Councilman Fields referred to Japanese Pine Trees which have a tendency to die after 10 or 15 years).

Councilman Fields reviewed § 104-12C. Councilman Fields suggested rephrasing § 104-12C to: All lots shall be kept free of dead trees. All lots shall be kept free of unreasonable accumulations of underbrush, limbs, and branches as would constitute a fire or health hazard. The Town Manager and Town Council agreed.

Mayor Headman declared this the first reading of Ordinance 162-12.

- **First Reading of Ordinance 163-12, to amend Chapter 145, Zoning, Article XV, entitled "Board of Adjustment", to change the terms of office of Board of Adjustment Members from four years to three years. (John Fields and Pat Voveris)**

Councilman Fields stated that in a town of 450 permanent residents it is difficult to get people to serve on committees, boards, and council. Four years is a long time to get someone to serve on the Board of Adjustment (BOA). Councilman Fields hopes that by reducing the term from four years to three years may increase the ability of Council to get people to volunteer for the BOA. Mayor Headman added that the State only mandates three years.

Mayor Headman declared this the first reading of Ordinance 163-12

COMMITTEE REPORTS

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

Bethany Beach unanimously adopted a resolution regarding the Assawoman Canal Trail, and Sea Colony is going to have a vote on the trail at its February 11, 2012, meeting. Bob Ehemann from DNREC is meeting with some of the other organizations up and down the canal such as the Ocean View Marina. They are working on bank stabilization and privacy issues as well as what kind of plants to put in (native plants, etc.)

- **Community Enhancement Committee** – In Councilwoman Callaway's absence, Councilwoman Voveris read the following report submitted by Councilwoman Callaway:

The Beautification Committee held a meeting on Wednesday, December 14, 2011, at the Town Hall meeting room from 9:30 a.m. to 11:30 a.m.

Update on the Route 1 Median Bioretention Project: All work is completed on the 11 Route 1 median bioretention areas. At no additional charge to South Bethany, Bramble, Inc. has placed sod on the perimeters of all bioretention areas. All Department of Agriculture (DOA) budgeted tree costs have been invoiced and the Town has been fully reimbursed. The final onsite inspection was conducted with all partners involved on Monday, December 19, and the project work was approved. Since Don Chrobot augered holes into the 8 N. St. bioretention area, drainage has improved. Final plantings will commence in early spring. The committee appreciated Chief Joe DeLoach's consultation with the committee regarding the placement of the new speed signs within the Route 1 median.

Ocean Drive Blueprint for Improvement: South Bethany Maintenance Department has worked steadily on the construction of 17 trash/planter bins for the Ocean Drive and Sea Side Drive walkways. All bins are to be completed by February 10. At the December 14 meeting the committee agreed that multi-colored petunias are the best choice for the planters – as they are hearty, able to survive the strong sun and wind along Ocean Drive, and are reasonably priced. The committee also made some changes in the sizes and colors of the proposed signs for Ocean Drive – new sample signs are now available for review. The committee has recommended to both the Council and the Budget and Finance Committee that the FY 2013 budget include the funds to support the new street signs for Ocean Drive and the adjacent cross roads. The committee agrees that MSA funds are an appropriate use of those designated funds. (Total costs for signs and new posts are about \$9,700).

DelDOT's Transportation Enhancements Program Grant: Plans for the use of DelDOT's Transportation Enhancements (TEP) Program grant funds are finalized and have been submitted to DelDOT for final approval. (Plans include three areas of improvement: landscaping and rain garden development along the Route 1 walkway; York Beach Mall landscaping; and landscaped improvement of the Route 1 median circle beds). Per DelDOT approval, the Town will issue an RFP in February 2012. DelDOT has set a June 1 completion date for the project so we anticipate a timely response from DelDOT.

Update on the Adopt-A-Canal/Road End Program: Kathy Jankowski, Chair of the Adopt Sub-Committee has scheduled a meeting on February 14 to discuss marketing plans and process for the program. The Volunteer Recognition Wall document is now posted on the CEC section of the Town's website.

Name Change for Beautification Committee: Based on the request of the Beautification Committee, at the January 23 Town Council Workshop, the Council approved the name change for the Beautification Committee to Community Enhancement Committee and the Committee's mission statement and scope that better reflects the work of the committee: Mission: To focus on initiatives that will improve the town's appearance and enhance our community; promote community pride and volunteerism; and increase individual property and community value. The Committee's scope shall include town beautification; community maintenance and landscaping; and environmental improvement efforts.

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

The Budget and Finance Committee met on January 27 at Town Hall. The following was discussed:

- A 2013 budget request from the Town Manager and the Maintenance Supervisor to change the Maintenance Department from one full-time person and one part-time person to two full-time people due to the heavy work load that has evolved in the town. The Budget and Finance Committee will review this request at its February 11 meeting and make a recommendation to Council at the February 23 Workshop Meeting.
- A change to the new construction fee to generate more revenue which would mirror the practice of four neighboring towns (Fenwick Island, Bethany Beach, Rehoboth Beach, and Dewey Beach). Had this fee been in place, the Town would have generated an additional \$52,000 in revenue from March 2010 through November 2011. The committee will bring a recommendation to Council at the February 23 Workshop Meeting.
- Review of the 2013 draft budget focusing on depreciation, projects, and employee compensation.

The Budget and Finance Committee will meet on February 11 at 10 a.m. at the South Bethany Police Station to review modifications made to the initial draft budget and finalize recommendations that will be brought to Council at the February 23 Workshop Meeting.

The Budget and Finance Committee Meeting for Public Input Regarding FY13 Budget has been scheduled for March 3 at 10 a.m. at Town Hall. **(Administrative Assistant's Note: A few days after this report was given, this meeting was rescheduled to Saturday, March 10, 2012, at 10 a.m.)**

- **Canal Water Quality Committee** – In Councilman Junkin's absence, Mayor Headman read the following report submitted by Councilman Junkin:

Status:

- Chris Bason has been named the Executive Director of the CIB. He follows Ed Lewandowski who was the Executive Director for six years.
- Canal Water Quality Monitoring is continuing to go well.
- Oyster Gardening is continuing to go well. Our leader, Al Allenspach, and EJ Chalabala from the CIB report that we will be able to support more oyster gardeners this year. If you are interested, contact one of them.
- Home Owner Education Program. Beginning in late spring / early summer renewed focus will be aimed at the following issues:
 - o Voluntary disconnection of existing outside showers,
 - o Voluntary disconnection of existing rain water down spouts, and
 - o Importance of minimizing impervious surfaces.
- Programs that will be initiated in the May/June time frame
 - o "Keep Your Canal Clean" Program. We are looking for volunteers who have a boat to adopt a canal that they will periodically "police" for trash. This is similar to the adopt a highway program that you see signs for along the road.
 - o Inspection/Recommendations/Documentation of all stormwater drains that are west of route 1.
- \$50,000 grant for beautification/rain gardens along the west side of the route 1 walkway is moving forward.
- We are working with Chris Bason of the CIB to obtain a grant to put rain gardens along the east side of route 1 through Middlesex and South Bethany.

- Anchorage Canal Diffuser/Aerator Pilot Project.
 - o The EPA has received our grant proposal for this project, but we will not hear anything for a few months.
 - o In parallel with the possibility of being awarded the grant from the EPA, I (Councilman Junkin) am continuing to lobby for the inclusion of this project in the Town's next year's budget.
 - o The recent town survey results listed this project as the third most important future need out of the 15 items listed.

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

The Planning Commission has met once and held one hearing since the last meeting. There was a request for partitioning lots 33 and 34 on New Castle Drive. It was conditionally approved requiring the removal of a shower on one lot because it encroached on the setback. Also, if they want to sell the other lot, they have to remove a gazebo that is on that lot.

The Planning Commission held a short business meeting after the hearing, and the subject discussed was the possibility of obtaining broadband Wi-Fi for South Bethany. There are no recommendations.

Mayor Headman recognized Brad Gough for serving on the Board of Adjustment from 2010 to 2011. He thanked him for his dedication and time spent on the committee.

ADMINISTRATIVE MATTERS – APPROVAL OF 2012 ELECTION BOARD

A motion was made by Councilman Fields, seconded by Councilman Gross, to approve the following nominations to the 2012 Election Board: Carolyn Marcello, Bonnie Rae, Marge Schaefer, Mary Suazo (Alternate), and Pat Spangler (Alternate). The motion was unanimously carried.

ADJOURNMENT

A motion was made by Councilman Fields, seconded by Councilman Gross, to adjourn the February 10, 2012, Town Council Regular Meeting at 8:00 p.m.