

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
MAY 11, 2012**

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Pat Voveris, Al Rae, Sue Callaway, George Junkin, and Jim Gross; Town Manager Melvin Cusick; PFC Patrick Wiley; and Administrative Assistant Pam Smith

MEETING CALLED TO ORDER

Mayor Headman called the May 11, 2012, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

PROPERTY OWNERS' PARTICIPATION

- Mike Matera (311 W. 9th St.) – Asked what the Town is going to do to get the canals cleaned up. Mayor Headman said this has been an issue in South Bethany for years. The canals are basically dead end canals with very little flush. Because they are deeper than the Inland Bays, the water that goes in the canals stays in the canals. Over the years the nutrients and pollution that goes into the canals are caught in the canals. In the late 1990s and 2000 DeIDOT created a forebay hoping that would reduce pollution going into the Anchorage Canal. The Town formed the Canal Water Quality Committee in 2006. The committee has done a lot of work to educate the community. In addition, the bioretention areas in the median strip and the work on the west side that is now being completed are efforts to stop the nutrients and pollution from entering the canals. The Town is going to do a survey on the current stormwater system to find areas to improve. The Town is also sponsoring a pilot program using diffusers. Mr. Matera asked if the Town could require property owners to take out their pipes that run from the rain gutters into the canals. Mayor Headman said Council put in place an ordinance to reduce the amount of impervious surfaces permitted on a lot. At that time the decision was made to "grandfather" existing pipes that put "greywater" into the canals and focus on educating people to voluntarily do the right thing. Councilman Junkin referred to the six charts on the wall in the Council meeting room titled: 1) Watershed Conditions, 2) Nutrient Loads and Management, 3) Water Quality, 4) Living Resources, 5) Pathogens and Contaminants, and 6) Climate. Councilman Junkin stated that in the beginning there were not a lot of impervious surfaces in South Bethany, but now there are a lot of impervious surfaces in South Bethany. That causes a problem. Because the canals are dead end canals, what gets in stays in the ends. Therefore the ends are bad. Because of the horrendous algae bloom this year, more people are interested in improving the water quality. The Town needs to build on that and encourage property owners to disconnect their pipes. Also now maybe property owners will want to make the law requiring people to disconnect their pipes. Regarding water flow to the dead end canals, Councilman Junkin said the tidal pump would have solved that problem, but it costs between seven and eight million dollars. Councilman Junkin is hoping the diffusers will help. Mr. Matera asked if the Town could run pipes under W. 7th St. to the wetlands from the canals. Councilman Junkin said it would not do any good because there is no driving force to move the water.

Mayor Headman stated that it is an issue and the Town is going to continue to address it. He added that South Bethany is known in the state as a town that has been extremely progressive regarding water quality. Councilman Junkin said the goal of the Canal Water Quality Committee is to make South Bethany's canals fishable and swimmable again. He said it takes time to educate people and change cultures.

- Tom Roche (141 Henlopen Dr.) – Stated that there is an ongoing ad for a house in town with two separate living quarters that is being advertised as a residence for more than one single family. Mr. Roche asked if this was in violation of the Town Code. Mayor Headman said that some houses were "grandfathered" and he asked Mr. Roche to give the Town the address in order to follow up.
- Mary Suazo (7 S. 3rd St.) – Announced that the Historical Society is having a special program on June 8 at 6:30 p.m. at the South Coastal Library commemorating the 50th anniversary of the '62 storm.

Ms. Suazo stated that the Historical Society very much appreciates the support they have received from this Town Council, and they are sad that this is Mayor Headman's and Councilman Fields' last Town Council Regular Meeting.

- Mike Matera (311 W. 9th St.) – Stated that his yard waste (which was macroalgae from the canals) was not picked up last week. The Town Manager stated that he would check on it. The Town Manager added that Allied Waste submits to the Town a list of properties where the yard waste was not bundled correctly or was not in paper bags or was in plastic bags. The Town contacts every property owner on the list.
- Kathy Jankowski (310 W. 4th St.) – Stated that one of the plans she had received from DelDOT regarding bicycle trails in the area had the Assawoman Canal Trail going only as far as the bridge. Ms. Jankowski asked if this was correct. Councilman Rae said that he has been to all of the meeting regarding the Assawoman Canal Trail, and he has not heard or seen plans that the trail is not coming to South Bethany. Mayor Headman stated that initially it was not going to come to South Bethany but they have added it. Mayor Headman said that due to the elevation of the bridge they may not have enough height to build a walkway under the bridge.
- Mike Matera (311 W. 9th St.) – Stated that the SBPOA President, Linda Lewis, told him that the SBPOA could not put up the tarp for the bull roast this year because the Town won't let them. Mr. Matera asked if this was correct. The Town Manager stated that he thinks that is something the SBPOA decided, not the Town. Mayor Headman told Mr. Matera to check back with the SBPOA, and if the belief is that it is coming from the Town, give the Town a call. Ms. Jankowski stated that as she understands it Carol Stevenson, who is in charge of the bull roast, contacted someone at Town Hall and asked if the liability would be covered from the Town if someone was injured by the tarp falling on them. She was told that they would not be covered. The SBPOA Executive Board decided not to put the tarp up if there was any concern about somebody getting hurt. The Town Manager stated that he had not talked to Ms. Stevenson, but it is correct that if the Town is not sponsoring the event it would not be covered under the Town's insurance.

ADOPTION OF MINUTES

- **Town Council Public Hearing Minutes, April 13, 2012** – A motion was made by Councilwoman Voveris, seconded by Councilman Gross, to accept the April 13, 2012, Town Council Public Hearing Minutes. The motion was unanimously carried.
- **Town Council Regular Meeting Minutes, April 13, 2012** – A motion was made by Councilman Junkin, seconded by Councilman Fields, to accept the April 13, 2012, Town Council Regular Meeting Minutes as amended as follows:

Page 8, Paragraph 6: Change "Lastly, Councilwoman Voveris spoke to Chris Bason of the Center for the Inland Bays, and she believes that people who are into water quality are into water quality and she does not believe they would discount anything South Bethany would do to improve water quality in the canals" to read " Lastly, Councilwoman Voveris spoke to Chris Bason of the Center for the Inland Bays, and she believes that people who are into water

quality are into **all** water quality and she does not believe they would discount anything South Bethany would do to improve water quality in the canals."

Page 3, Paragraph 2: Change "The Town Manager stated that they are realigning the sewer line and they advised the Town that they would be working on Layton Drive" to read "The Town Manager stated that they are **relining** the sewer line and they advised the Town that they would be working on Layton Drive."

Page 8, Paragraph 4: Change "Councilman Gross stated that because of the case studies, additional information, and the cost information that Councilman Junkin has provided, Councilman Gross is now in a position where he will support this project" to read "Councilman Gross stated that because of the case studies, additional information, and the cost information that Councilman Junkin has provided, Councilman Gross **is** now in a position where he will support this project."

The motion was unanimously carried.

LEADERSHIP REPORTS

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

As a follow up to Mr. Roche's question regarding the Town having at least one pickup a year for electronic goods and hazardous waste materials, Mayor Headman said the next Council will have to discuss whether to add a pickup for something like that. Mayor Headman stated that the location where people can take electronics for recycling has been posted on the Home page of the Town's website.

Mayor Headman announced the EMS Open House on Saturday, May 12, from 10 a.m. to 2 p.m. Mayor Headman stated that the emergency squad does an outstanding job and he encouraged everyone to go to the open house.

Mayor Headman announced that Ocean View's Homecoming is Saturday, May 12.

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

The Town's five year recertification regarding the Community Rating System (CRS), which gives every resident a 10% discount on flood insurance, is due. The Town has scheduled June 14 to meet with the CRS representative at Town Hall to review the CRS program.

The ambulance report for the month of April was available on the sign-in table.

Bulk Trash pickup is Saturday, June 2.

Beach Replenishment – The State has started putting up the sand fence. They have most of the posts up on about half the beach and then they will put the fence up. Hopefully the walkway work will begin after that.

Ben Chandlee, the Town's Beach Patrol Captain, has sent his roster in. The lifeguards start Memorial Day weekend and the Town will have up to nine new lifeguards this year. There are several guards that are not returning.

The Beach Patrol cookout and movie has been scheduled for Saturday, August 11. Tickets will be on sale once the tickets are printed.

Mayor Headman stated that the lifeguards also have a 2012 Planner for sale. It can be purchased through a link on the Beach Patrol page of the Town's website.

- **Treasurer's Report**—Pat Voveris reported as of April 30, 2012:

Balance Brought Forward	\$ 1,719,470.93
April Revenue	\$ 37,771.10
April Disbursements	\$ 153,886.27
Balance	\$ 1,603,355.76

Profit and Loss: Total revenue	\$ 2,142,007
Total expenditures	\$ 2,076,189
Leaving an excess revenue of	\$ 65,818

Transfer Taxes (April): \$18,302.18

- This is 57% below FY 2011.
- For FY 2012 the Town is at 69% of the budget projection or \$93,309 short.
- Comparing the current number to FY 2011, the Town is \$164,532 less than FY 2011.

Operating budget recap:

- Revenue is at 95%.
- Expenses are at 97%.
- For the most part departments came in under budget. Public Works was slightly over budget due to Hurricane Irene.

Councilwoman Voveris reviewed a handout she had given to Council which showed a snapshot of the budget results for FY 2012. Despite the transfer tax coming in short by \$93,309, the Town still ended up with a surplus revenue of \$9,945. All departments came in with some expenses under budget. General Administrative came in with \$30,490 of expenses under budget, Public Safety came in with \$10,318 of expenses under budget, Beach Patrol came in with \$1,363 of expenses under budget, and Public Works came in with \$12,903 of expenses under budget. The Town has a total surplus of \$65,019.

Councilwoman Voveris also had a handout available for Council and the public which showed in two pie charts the FY 2012 General Fund Revenues and the FY 2012 General Fund Expenses as of April 30, 2012. Referring to the FY 2012 General Fund Revenues chart, Councilwoman Voveris noted that the rental tax is at 30% of the revenue, property tax is at 30% of the revenue, and transfer tax is only at 13% of the revenue. She stated that over the years the transfer tax revenue has dwindled down and there is a substantial difference between it and the rental tax and property tax.

- **Police Department Report/Questions**—PFC Patrick Wiley reported for the month of April, 2012:

- April 1 Assisted the Bethany Beach Police Department with a disorderly subject and an intoxicated subject on State Route 1 and Jefferson Bridge Road. Both of the individuals were taken into custody by the Bethany Beach Police Department.
- April 2 Assisted a resident by recovering a missing bicycle for a child on Surfside St. The child had accidentally mislaid the bike.
- April 2 Officer stopped a vehicle for a traffic violation on State Route 1 and discovered there were warrants on file for the driver for failure to pay. The driver was taken to JP Court 1 for arraignment.
- April 3 Assisted Fenwick Island Police Department with a property check at the Royal Farms Convenience Store due to a door being found unsecured by the Fenwick Officer. All was in order and there was no sign of forced entry.

- April 3 Officer stopped a vehicle for a traffic violation on State Route 1 and discovered there were warrants on file for the driver for failure to appear. The driver was transported to Court 3 in Georgetown for arraignment.
- April 7 Officer conducted a property check on Periwinkle Drive which is under construction. This was in response to a complaint made by a resident that a juvenile was playing on the construction site. The officer arrived on scene. No juveniles were observed and the house was secure. There were no signs of criminal mischief or damage of any kind to the residence or the property.
- April 7 Officers responded to a report of a tractor trailer leaking diesel fuel on the beach behind N. 4th St. South Bethany's officer assisted DNREC officers and Station 70 Fire Department personnel in stopping the leak and cleaning up the spill on the beach.
- April 7 Officer stopped a vehicle for a traffic violation on Rt. 1 and Layton Dr. The officer discovered there were warrants on file for the driver out of the Kent County Court of Common Pleas (CCP) for failure to pay. The officer advised the driver to contact CCP on Monday.
- April 10 Residential alarm on Bayshore Dr. No signs of forced entry. The residence was secure.
- April 13 Residential alarm on W. 8th St. No signs of forced entry. The residence was secure.
- April 15 Assisted Ocean View Police Department with a traffic stop and a vehicle search which resulted in a drug related arrest of the passenger and the driver.
- April 19 Tractor trailer was driving on Anchorage Dr. and hit a television cable and disconnected it from the residence. Mediacom was notified by South Bethany's dispatcher to respond and take care of the problem.
- April 19 In response to a citizen's complaint, officers contacted a suspicious person on New Castle Dr. who was observed going around to different houses turning on water faucets. The person was a contractor doing work at 113 New Castle Dr. and was looking for water to wash glue off his hands.
- April 20 Officer stopped a vehicle for a traffic violation on Route 1 and Evergreen Rd. The officer had the vehicle towed due to an expired registration and a cancelled insurance policy.
- April 23 Officers responded to a verbal domestic incident on Layton Dr. After the officers left the scene the male party involved in the domestic incident was arrested by Fenwick Island Police Department for DUI later in the evening. His passenger was given a ride back to the residence at Layton Dr. by a South Bethany officer. When the officer arrived at the residence, the officer assisted a female party involved in the domestic with a sick pet. The pet (a bull dog) fell into the canal and they had to fish it out of the canal. The dog was very sick and had trouble breathing.
- April 28 Assisted Bethany Beach Police Department with a traffic stop which involved multiple drug arrests. The individuals were taken into custody by the Bethany Beach Police Department.
- April 30 Assisted Fenwick Island with a traffic stop and a vehicle search of an unregistered motor vehicle that was being driven by an illegal immigrant.
- April 30 Residential alarm on Sea Side Dr. No signs of forced entry or criminal mischief.

RESOLUTION NO. 3-12, A RESOLUTION TO REVISE SOUTH BETHANY'S SCHEDULE OF FEES (Pat Voveris)

Mayor Headman stated that Ordinance 161-12, which added a 30-Day Mercantile License and a 6-Month Mercantile License, was passed at the April Town Council Regular Meeting. Council is required to change the fee by resolution.

Councilwoman Voveris read Resolution No. 3-12.

A motion was made by Councilwoman Voveris, seconded by Councilwoman Callaway, to approve Resolution No. 3-12. The voting was as follows:

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

AGAINST THE MOTION: None

The motion carried with a 7-0 vote.

COMMITTEE REPORTS

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

There is a public meeting for the trail committee headed up by DNREC next Thursday, May 17, at the Bethany Beach Town Hall from 10 a.m. to noon. The agenda items for the meeting include: Introduction, Resolutions, Trail Alignment, Trail Funding, Privacy Considerations, and Design and Engineering. Anyone that is interested is welcome to come and find out what is happening.

On that same day, May 17, DNREC is having another meeting from 4 p.m. to 7 p.m. at the Lewes City Hall that will deal with the Sussex County trail issues. This meeting will deal with the Georgetown to Lewes Rail to Trail, Junction & Breakwater Trail Extension, Fred Hudson Road Pathway, Delaware Seashore State Park Fresh Pond Area – a trail connector between Route 1 and Fred Hudson Road, the Delaware Seashore State Park Thompson Island Preserve – Thompson Island Trail, the Cape Henlopen State Park – Gordons Pond Trail, the Assawoman Canal Trail, and Trap Pond State Park – Loblolly Trail connector along Wooten Road. Councilman Rae said there is a lot of activity going on in regard to bike and walking trails in Delaware which he believes makes things very nice for everyone and improves property values. Councilman Rae encouraged anyone who is interested to come and find out more about all of these wonderful opportunities.

In regard to Ms. Jankowski's question earlier in the meeting, Councilman Rae said he does not know specifically that there is an issue but he will know more after the meeting. All of the plans Councilman Rae has seen has the trail coming down to South Bethany. He will let Ms. Jankowski know.

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

The TEP grant project is underway and the York Beach Mall area is looking greatly improved. The York Beach Mall area should be completed early next week and then they will move onto the circle beds in the Rt. 1 median as well as the rain garden development along the walkways. The work should be completed by June 1.

On Friday, April 20, the 4,000 plugs were planted in the bioretention areas. That completes the final activity for the bioretention areas.

The committee continues to have conversations with the Center for the Inland Bays (CIB) regarding community education signs for these projects to better inform the community about these projects.

Ocean Drive Improvement - The trash bins are finished and the planters have been filled with bright colorful petunias. The committee is getting positive feedback on those and Councilwoman Callaway thanked the maintenance staff for working so hard to get that done. The Town is waiting for the Ocean Drive and cross street signs to come back.

Adopt-a-Canal/Road-End Program – The committee has received renewal applications from all of the previous adopters and they made a commitment for another two years. There are three more canal ends that are in the works.

Councilwoman Callaway thanked the Administrative Assistant for including the Beautifying South Bethany Makes Dollars and Sense flyer, the Adopt-a-Canal article, and the letter regarding trash bin modifications and repairs in the ZEPHYR. She hopes the information will inspire some property owners to do some spring maintenance repairs.

The next Community Enhancement Committee Meeting is scheduled for Tuesday, May 22, from 10 a.m. to 12 p.m. The Town Code Enforcement Constable will be attending the meeting.

Councilman Fields inquired if the plantings are going to survive the standing water in the bioretention areas. Councilwoman Callaway stated that the plantings were chosen knowing that they would be standing in water – they were designed to stand in water.

Councilwoman Callaway said that with the 13 - 15 more trees at the York Beach Mall area, the Town's tree count is up.

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

The Budget and Finance Committee met April 21 to primarily discuss the Asset Replacement and Maintenance Reserve (ARM Reserve). For FY 2013 the committee fully funded this reserve with a number to follow their schedule plus inflation. The committee further studied options that included the following:

- To remove items from the schedule historically funded by grants.
- To utilize a portion of MSA funds to offset schedule savings.
- Consideration of reserve savings without inflation. Inflation could be funded in years of surplus.
- Consideration of the Bethany Beach approach where useful life years determined the percentage to be saved for items.

The committee met again on May 4 to review the schedule on the Town buildings – Town Hall, Police Department, and Maintenance Building. This review included consideration of not saving for the buildings themselves but for the required maintenance of the buildings along their useful life. All of this information will be reviewed by Council at the May 24 Town Council Workshop Meeting to determine a viable course of action for the Town in saving for its future needs.

Other Budget and Finance Committee discussion items:

- Tracking internet rental revenue.
- Finalizing a financial policy recommendation for Council.
- Establishing a reserve for the beach.
- Creating a three-year budget projection.

The next Budget and Finance Committee Meeting is scheduled for June 22 at Town Hall.

- **Canal Water Quality Committee** – Councilman Junkin reported:

Councilman Junkin stated that a lot of the things the Canal Water Quality Committee has been working on are the same things the Community Enhancement Committee have been working on – both committees are working on things that help the water quality and also make the town more presentable. Regarding the water quality part of the projects, the objective is to slow rain water from entering the canals. The work in the median, the west side, and work that will be done on the east side is designed to percolate the water into the ground and keep it from entering the canals.

Councilman Junkin met with the CIB's new Science Coordinator, Bart Wilson, and they reviewed all of the things the Town is doing regarding water quality. Councilman Junkin took Mr. Wilson on a tour of South Bethany and showed him the rain gardens and the bioretention areas as well as the places on the east side that need to be fixed. They also talked about placing signs near the forebay that would educate people about the water quality efforts in the town.

The Town is going to inspect all of the drains that enter the canals from the town right-of-way to see what condition they are in and to see what can be done to slow rain water from entering the canals. The Town has about 80 storm drains that go into the canals.

The Canal Water Quality Committee is trying to educate people who are covered by the "grandfathering" relative to piping into the canals from their roofs and outside showers to try to convince them to disconnect the pipes.

The Canal Water Quality Committee is looking for volunteers who have boats to pick up trash in the canals.

The next Canal Water Quality Committee Meeting is Friday, May 18, at 10 a.m. at Town Hall. All are welcome, and anyone who wants to volunteer to do work is welcome.

Councilman Rae asked if Councilman Junkin knew how many houses have existing drains going into the canals. Councilman Junkin said there was a survey done at one time but he does not remember the number. Councilman Junkin believes it is more than 10% and it may be 20%.

Councilman Gross asked if the Town had any information regarding the request for funding the study on the east side. Councilman Junkin stated that Mr. Wilson is new to the job and doesn't have any information, but he has talked to Chris Bason, who is now the CIB's Executive Director, regarding the project. Councilman Junkin believes Mr. Bason is helping to get something done.

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

The Planning Commission had one public hearing which was a subdivision of existing lots 51 and 52 at 129 New Castle Dr. The subdivision was approved.

The Planning Commission met briefly on the same day as the public hearing. It was agreed that they would not pursue a broadband Wi-Fi network for South Bethany because of the complications and potential expense.

Councilman Gross has reminded the Planning Commission that it is necessary to do the five-year review of the Town's Comprehensive Plan. The Planning Commission assured Councilman Gross that they will have a meeting in the near future to start the process.

The Planning Commission will soon be short one member and the Board of Adjustment is shy one member as well. Councilman Gross noted that the Board of Adjustment term has been changed from four years to three years. Councilman Gross said that if anyone in the audience is interested in filling either of the vacancies or knows someone who is interested, please let him know.

ADJOURNMENT

Before adjourning, Mayor Headman publicly stated that it has been a pleasure, a privilege, and an honor to have served the Town the last two years as Mayor and the five previous years as a Council Member. Mayor Headman thanked the current Council and the other Councils he served with, the Town Staff, and the Police Department for their support and help during his years on Council. Mayor Headman recognized Councilman Fields and thanked him for the work he has done during the multiple years he has served on the Council. Mayor Headman congratulated Sue Callaway, George Junkin, Al Rae, and Kathy Jankowski. He appreciates their willingness to serve over the next two years. He also thanked Pat Voveris and Jim Gross. He wished them all much success in their work for the town.

Councilman Fields thanked Mayor Headman for his years of service and for the time they have worked together to bring about a lot of ordinances. Councilman Fields thanked the Council for working with him and he thanked the public for the opportunity to have served on the Council for eight years. He said it has been a learning experience and a fulfilling experience. Councilman Fields said it has given him a sense of having done something for his community.

As his last act on Council, a motion was made by Councilman Fields, seconded by Councilman Gross, to adjourn the May 11, 2012, Town Council Regular Meeting at 7:55 p.m.