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| TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES MAY 22, 2014 |
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MEETING CALLED TO ORDER

Mayor Jankowski called the May 22, 2014, Town Council Workshop Meeting to order at 5:00 p.m.

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Tony Caputo, Sue Callaway, George Junkin, and Pat Voveris; and Town Manager Melvin Cusick

Mayor Jankowski said that Councilman Rae had a change to the agenda. Councilman Rae requested that Council add an item to the agenda regarding the need for a little bit more money for the movie night. Councilman Rae said the movie night is in the budget, but based on the costs, an additional five or six hundred dollars is needed if Council agrees. Councilman Junkin questioned if FOIA allows Council to add a vote to the agenda. Mayor Jankowski referenced the following note at the bottom of the agenda: The agenda items, as listed, may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the meeting. 29 Del.C § 10004(e)(2)

Councilman Junkin questioned how long before the meeting the agenda can be changed. The Town Manager said typically six hours and usually it is something Council was not aware of before the meeting. Councilman Junkin stated that he has never been at a meeting where an agenda item was added after the meeting started, and the reason is that the public doesn't have a chance to know about it. Councilman Caputo said Council does not want to set a precedent for bringing things up like this. Mayor Jankowski said if everybody is going to agree to it you are still moving forward with the planning. Councilman Rae asked for a show of hands if anyone objects to having the movie night with an additional cost of four hundred odd dollars to the budget. There were no objections. Mayor Jankowski told Councilman Rae to bring it up at the next meeting. The Town Manager stated that the Town will put the possible vote on the next meeting agenda.

PUBLIC COMMENT PERIOD

Joe Conway stated that he thinks Mayor Jankowski has done a great job and he looks forward to the next mayor doing equally as good of a job. Mayor Jankowski thanked Mr. Conway. In Dick Oliver's absence, Mayor Jankowski presumed that Mr. Conway would represent the Planning Commission at this meeting. Mr. Conway agreed.

ADOPTION OF MINUTES

- **Town Council Workshop Meeting Minutes, April 24, 2014** – A motion was made by Councilman Gross, seconded by Councilman Junkin, to accept the April 24, 2014, Town Council Workshop Meeting Minutes. The motion was unanimously carried.
- **Town Council Regular Meeting Minutes, May 9, 2014** – A motion was made by Councilman Gross, seconded by Councilman Junkin, to accept the May 9, 2014, Town Council Regular Meeting Minutes. The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON APPROVING THE TOWN OF SOUTH BETHANY'S VISION STATEMENT

Mayor Jankowski stated that Council had five versions of the Vision Statement in their packets.

Motion: After discussion, a motion was made by Councilman Junkin, seconded by Councilman Gross, that Council accept the following Vision Statement: South Bethany is a quiet, single-family, oceanside and bayside community with a network of canals, that provides a safe and welcoming environment for property owners and visitors. The town is committed to maintaining and enhancing its character and resources, both natural and man-made. The residents enjoy a quality of life that fosters pride in ownership and encourages families to remain for generations. Through sound government, South Bethany seeks to preserve and improve its unique character to ensure it remains "The Best Little Beach in Delaware."

Vote: The motion was unanimously carried.

REPORT BACK REGARDING FIRE PIT ENFORCEMENT IN BETHANY BEACH

The Town Manager stated that the Town tried to contact Bethany Beach's Code Enforcement Constable and their Town Manager but they have not responded. After discussion, the Town Manager said he will follow up.

DISCUSSION ON SUGGESTIONS RECEIVED AT SOUTH BETHANY'S 2014 REALTOR MEET AND GREET FOR CONSIDERATION AS POSSIBLE INPUT FOR THE TOWN-WIDE SURVEY TO BE USED IN PREPARATION OF SOUTH BETHANY'S 10 YEAR COMPREHENSIVE PLAN UPDATE

Council agreed that they will use some of the suggestions received at the Meet and Greet to give to the Planning Commission for consideration in preparing the town-wide survey. The following is the list of suggestions Mayor Jankowski presented in the Mayor's Report at the May 9, 2014, Town Council Regular Meeting:

- a. Secure weather-proof Suggestion Box in town
- b. Bury the power lines
- c. No Smoking on Beach
- d. Add to their renter evaluation form why or why not they would return to SB
- e. Include link to local amenities on SB website such as the library, farmer markets, restaurant, menus, etc.

In addition to the above list of suggestions, Councilman Gross noted that after the Meet and Greet the owner of Sandcastle Realty recommended that the Town should do something about the limitation on the number of bathrooms allowed in South Bethany houses. The owner of Sandcastle Realty believes if a change were made it would enhance the salability and rentability of property in South Bethany. After discussion, Mayor Jankowski thanked Councilman Gross for adding that.

DISCUSSION AND POSSIBLE VOTE ON A LIST OF ITEMS TO GIVE TO THE PLANNING COMMISSION TO CONSIDER ON A TOWN-WIDE SURVEY TO BE USED IN THE PREPARATION OF SOUTH BETHANY'S 10 YEAR COMPREHENSIVE PLAN UPDATE

During discussion the following items were suggested for the list of items to give to the Planning Commission to consider for a town-wide survey:

- Regulate fire pits
- Ban smoking on the beach
- Bury utility lines
- Provide a weather-proof suggestion box at the Town Hall

- Councilman Gross stated that along with the issue limiting the number of bathrooms allowed in South Bethany houses, he believes the FAR issue needs to be revisited. Councilman Gross would like the Planning Commission to look at the FAR issue.
- April 2011 Comprehensive Plan Community Survey
 - Councilman Junkin suggested that the Planning Commission review the April 2011 Comprehensive Plan Community Survey and use what still makes sense and maybe throw some items out if the Planning Commission doesn't think the items apply anymore.
 - Mayor Jankowski suggested adding yard waste removal under Waste Services.
 - Under Future Town Needs, Mayor Jankowski suggested the following:
 - Take out D (Improved Beautification to center island along Route 1)
 - Take out E (Improved Beautification along the east side of Route 1)
 - Take out F (Improved Beautification on walkway along west side of Route 1)
 - Take out G (Improved Beautification of canal ends and street ends)
 - Regarding M (More Street Lights) change to More/Different Street Lights
- Mr. Conway suggested including asking in the survey questions if property owners plan to sell their house in the next five years or if they plan to take their house out of rental status within the next five years. This would help with potential long-term financial planning. Councilman Junkin agreed that those are good questions to put on the survey.
- Mayor Jankowski suggested looking at tools like Survey Monkey to conduct the survey online and only send hard copies of the survey to property owners that don't have an email account. Councilman Junkin read the following from the bottom of page 3 to the top of page 4 of the April 2011 Comprehensive Plan Community Survey Results Report – July 2011: One local town just completed an online survey with only a 23% response rate. Although analyzing the data from the paper survey was very time consuming, it is believed that the high response rate was probably due to the fact that it was a paper survey and a stamped, self-addressed envelope was supplied with the survey, instead of using an online survey.
- Since 30% of the Town's revenue comes from renters, Mr. Conway asked if the Town wants to do only a survey of property owners or does the Town also want to have a sampling of what renters think about things (such as Mobi-Mats). Councilman Voveris' concern is that renters are a transitional population and could come to South Bethany for one summer and never come again. Mr. Conway stated that a lot of renters come back year after year. Councilwoman Callaway stated that she thinks surveying renters is a good idea and it was talked about at the Meet and Greet. Councilwoman Callaway mentioned that at the Meet and Greet they talked about having an evaluation sheet sent to renters either via email or attached to the Realtors evaluation packet.
- Councilman Junkin added that it might not necessarily be the same questions for the renters. Mr. Conway stated that he thinks Survey Monkey would work well for the renters. Councilman Junkin said he would like the Planning Commission to consider surveying renters and how that might be facilitated. Councilman Junkin is in favor of using the internet for surveying renters.
- Regarding using an online survey tool, Councilman Gross stated that the Town would need to be careful as to not count multiple submissions from one person or one property. Councilman Rae agreed that the Town would have to have some control over that. Councilwoman Callaway noted that for the 2011 survey the Town used a numbering system on the return envelope to prevent multiple submissions from each property.
- Councilwoman Callaway questioned if the Town wanted to ask questions about yard waste and trash again. Mr. Conway suggested asking if people are more satisfied or less satisfied then they were five years ago.

Councilman Junkin stated that the process for the April 2011 Comprehensive Plan Community Survey was the Planning Commission started the survey, gave it back to Council, and Councilman Junkin formatted the document. Councilman Junkin added that the Council changed a lot of what the Planning Commission submitted to Council, such as Council took out smoking on the beach and bury utility lines. Councilman Gross stated that Council also added some things.

Mayor Jankowski said that when she met with Planning Commission Chairman Dick Oliver earlier in the week he said he was expecting the Council to tell the Planning Commission what to do – to give their input. Councilman Gross stated that Council needs the Planning Commission's input too.

Mayor Jankowski asked if Council wanted to put a deadline on when they wanted the rough draft of the survey back from the Planning Commission. Councilwoman Voveris asked if the survey would be going out next budget (FY 2016) noting that the Town did not put money in the FY 2015 Budget to send out a survey. Councilman Gross stated that Council needs to find money to send the survey out in FY 2015 because the responses need to be received and digested while the Planning Commission is working on the 10 year Comprehensive Plan update that is due in 2016.

Councilman Caputo suggested providing information about the survey in the next ZEPHYR.

Mayor Jankowski stated that she will gather the information discussed at this meeting and send it to Council on May 28. She said she has to have it back by May 30 so that she can give it to Planning Commission Chairman Dick Oliver on May 31. Mayor Jankowski asked if there was any more discussion. There was no more discussion.

Mayor Jankowski thanked Mr. Conway.

DISCUSSION AND POSSIBLE VOTE REGARDING THE TOWN'S STRATEGIC PLANNING STRATEGIES DOCUMENT

Council had paper copies of the strategy document which Mayor Jankowski updated prior to this meeting using meeting minutes, Council Member's reports, and the budget. Mayor Jankowski said the strategy document has all of the information that the Council/Town should be doing. The document has all the input from the Police Department and the Town Manager regarding town jobs that are done. Mayor Jankowski said anyone on Council could look at the document and see what is going on in the town. Mayor Jankowski said it is also a document the Planning Commission could take and use for the Comprehensive Plan. Mayor Jankowski reviewed a couple of examples from the document.

Mayor Jankowski reviewed a document named Strategy Status #1 which is the information in the strategy document but in a different format. She did this because Council said they wanted something that was on a sheet that was easier to look at.

Mayor Jankowski said the idea of the strategy document is to go through it on a monthly basis and see what items are going to be due in the near future and the status of the item.

Mayor Jankowski stated that per her meeting with Planning Commission Chairman Dick Oliver, Mr. Oliver is not in agreement that the Planning Commission should provide the key resource to keep the document up-to-date. Mr. Oliver believes it is the Council's job. Mayor Jankowski said that if there is not someone on the Town Council that is willing to be the key resource for the document, she is willing to work with individuals on this after she is not Mayor to finish it up, but Mayor Jankowski does not know what Council is going to do on an ongoing basis as far as getting somebody to be the key resource. Councilman Junkin suggested that Council discuss this at its Organizational Meeting. Councilwoman Voveris said Council could but the new Council will be made up of the same people except for Tim Saxton. Councilman Junkin suggested discussing at the Organizational Meeting if the new Council wants to go forward with something like this. Councilman Rae suggested making it an agenda item for the Organizational Meeting.

During discussion, Councilman Rae said he has a little bit of a problem micromanaging the staff with this kind of a document. Mayor Jankowski agreed. The Town Manager stated that he does not need a document to tell him to get the walkways ready each year – he said he has been doing it for ten years and he knows he has to do it.

Mayor Jankowski questioned if Council thought there was any value in the document. Councilman Gross said it is not a question of whether there is any value to it, it's a question of whether the value is worth the investment. Mayor Jankowski agreed.

Councilwoman Callaway wondered if the document will be helpful to the Town Manager regarding completing whatever reports he has to do and would this document be helpful for the Planning Commission to complete the report that they are required to do. Councilman Junkin said he believes that the Vision Statement and the goals that are on the website are information that the Planning Commission needs to incorporate into the update for the Comprehensive Plan, and he believes the information that is in the strategy document is also valuable for the Planning Commission to use. Mr. Conway said that he has offered to help Mr. Oliver with this year's update and it would be helpful to capture the process by which the Vision Statement and so on were generated. Mayor Jankowski said she will make sure Mr. Oliver gets a copy of the updated strategy document.

Mayor Jankowski said that is where it stands. Councilman Caputo asked if the Council was going to do a search for the person to take over the document when Mayor Jankowski is no longer on Council. Councilman Junkin said he thinks Council should discuss that at the Organizational Meeting. Mayor Jankowski agreed. Mayor Jankowski said that the Administrative Assistant has the master file if anybody wants to do anything with it.

CONSIDERATION AND POSSIBLE VOTE ON PROPOSED FIXED ASSET CAPITALIZATION AND DEPRECIATION POLICY GUIDELINES

Council had a copy of the proposed Fixed Asset Capitalization and Depreciation Policy Guidelines. Councilman Caputo said it was approved by the majority of the Budget and Finance Committee, but the committee is not in 100% uniformity with regards to all of the wording. Councilman Caputo stated that in his professional opinion the wording is fine. Councilman Caputo said there is a change to the title - take out the word Guidelines. Councilman Caputo said the title is going to read Fixed Asset Capitalization and Depreciation Policy. Mayor Jankowski agreed to the change in the title. Councilman Junkin asked if the issues that the committee has with the document are wordsmithing issues. Councilman Junkin said he does care about wordsmithing issues, it is the intent that matters.

Councilwoman Voveris said the list of capital assets in the policy is generic - it is not customized to the Town. Councilwoman Voveris noted that the list has a back hoe on it and the Town does not have a back hoe. Councilman Caputo said he went back to the work that was done in 2012 regarding the list and incorporated those items plus generic items. Councilwoman Voveris questioned why the ARM schedule is not referenced in the proposed policy. Councilman Caputo questioned why it would be referenced in the policy. Councilman Rae said the proposed policy is the guideline and the ARM schedule is the execution of the policy.

The Town Manager stated that some time ago the ATV's years of useful life was changed from five years to four years. Councilman Caputo agreed to change the ATV's years of useful life to four.

Regarding Section 9, Annual Physical Inventory, the Town Manager said it would be better for the staff if it were done by calendar year rather than fiscal year because the office starts getting busy in April. In the first sentence of Section 9, Councilman Junkin suggested the following: An annual physical inventory of both capital fixed assets items on a **fiscal calendar** year basis to coincide with valuation survey which is sent out each **April November** and due back by the following **May December** 10. Councilman Caputo said the audit should be executed within a week. The Town Manager said the inventory won't take long once the sheets are made up. The Town Manager said he thinks that will work.

Motion: A motion was made by Councilman Junkin, seconded by Councilman Rae, that Council accept the proposed policy with the ATV changed to four years, the generator changed to 20 years, and with the changes made in Section 9.

Discussion: Councilman Gross stated that he needs to understand more about why some people on the Budget and Finance Committee did not buy into the policy. Councilwoman Callaway said it was not the topic it was the wordsmithing. After further discussion, Councilman Junkin called for the question.

Vote: The voting was as follows:

FOR THE MOTION: Mayor Jankowski and Councilpersons Rae, Caputo, Junkin, and Callaway

AGAINST THE MOTION: Councilwoman Voveris

ABSTAINED: Councilman Gross

The motion carried with a 5-1 vote.

Councilman Junkin said the word Guidelines was taken off, on the ATV the years of useful life was changed from 5 to 4, and on the generator the years of useful life was changed from 10 to 20. The Town Manager said he thinks he cleared up the generator issue. The Town does have the big generator for 20 years and the small generator is for 10 years.

Councilman Caputo noted that the auditor does not allow the Town to change what has already been capitalized. Councilman Caputo said this is going forward.

Mayor Jankowski thanked Councilman Caputo.

CONSIDERATION AND POSSIBLE VOTE ON PROPOSED BUDGET STABILIZATION RESERVE POLICY GUIDELINES

This item was taken off the agenda because the Budget and Finance Committee could not get a consensus.

DISCUSSION AND POSSIBLE VOTE REGARDING THE SEA LEVEL RISE (SLR) AND STORM SURGE (SS) COMMITTEE'S ALTERNATE SUGGESTION TO THE CODE REQUIREMENTS RELATIVE TO FREEBOARD AND BUILDING HEIGHT

Councilman Junkin stated that there are options in the current code on freeboard. He said the recommendation he will be presenting from the SLR and SS Committee is not an option on freeboard it is an option on building height and it comes in the building height section of the code - it does not come in the floodplain section of the code.

The SLR and SS Committee recommends the following for an optional height requirement: Where freeboard of three feet or more is provided for new or improved buildings, the allowable building height may be up to 38 feet NAVD or 34 feet above the center of the road or as measured in Cat Hill. Councilman Junkin said the SLR and SS Committee recommends that Council task the Charter and Code Committee to develop the appropriate code words for §§ 145-35J (which is for the majority of the town) and 145-38E(2) (which is for Cat Hill) which address Maximum Building Height. (Councilman Junkin noted that Cat Hill measures how high buildings are significantly different than everywhere else in the town.)

Councilman Gross stated that he would second that motion with the idea that the Charter and Code Committee are making other changes that need to be touched on as well - the changes are not limited to these two changes recommended by the SLR and SS Committee. Councilman

Junkin said the Charter and Code Committee can't tell the SLR and SS Committee what to do, and the Charter and Code Committee can't tell the Town Council what to do. Councilman Junkin stated that he recommends that the Town Council tell the Charter and Code Committee to do what is required to get the recommendation from the SLR and SS Committee for an optional height requirement into the code. Councilman Gross seconded that.

Discussion: Councilman Junkin said that people have asked if this means if a property owner raises their house one foot they can raise the height of the house one foot or if they raise their house two feet they can raise the height of the house two feet. Councilman Junkin said that is not the recommendation from the SLR and SS Committee, but if that is what the Town Council wants to do then the Town Council needs to vote down the recommendation from the SLR and SS Committee and vote on what the Town Council wants it to be. Councilman Junkin stated that the SLR and SS Committee does not want to allow people to raise the height of their house if they only provide one ft. of freeboard. Councilman Gross noted that property owners do not have to do a significant improvement in order to gain the extra feet in height - what they have to do to gain the extra feet in height is comply with the three feet of freeboard. Councilman Junkin stated that it is an option to encourage people to have freeboard. Councilman Junkin added that per the words in the SLR and SS Committee recommendation, if an existing house already has three feet of freeboard, the property owner would be allowed to make their roof higher.

Mayor Jankowski asked when this code change would go to the lawyer for review and does it need to go to FEMA for review. Councilman Junkin said it does not have to go to FEMA because it has nothing to do with the floodplain - the option only has to do with the height of the house. Councilman Gross agreed.

Vote: Mayor Jankowski called for a vote. The motion was unanimously carried.

PRESENTATION OF A "FOLLOW-UP ITEMS/ISSUE TRACKING" DOCUMENT AND DISCUSSION FOR POSSIBLE ADOPTION

Mayor Jankowski presented a simple Excel spreadsheet for Council to use to track follow-up items from Town Council meetings. The columns in the spreadsheet included the date the item first came before Council, the item, who was responsible for following up, when it was due, and resolution of the follow-up item. Mayor Jankowski pulled the follow-up items from previous Town Council meeting minutes.

Councilwoman Voveris said she had thought about having an "Old Business" item on the meeting agenda to use for items that require follow-up. Mayor Jankowski suggested that somebody is going to have to make the list. Councilwoman Voveris said she has a list that she has been looking at. Councilwoman Voveris agreed that the concept is good. Councilman Junkin and Councilman Gross agreed that Council should have some kind of a follow-up items/issue tracking list. Mayor Jankowski said Council can use the document presented at this meeting if Council chooses to. Councilman Caputo thanked Mayor Jankowski.

PUBLIC COMMENT PERIOD

Mr. Conway suggested bringing the strategy document and the action item tracking system that Mayor Jankowski presented together in a resource efficient way. Mr. Conway stated that he is willing to help Council going forth.

Mr. Conway thanked Lt. O'Malley for her service.

Mayor Jankowski thanked Mr. Conway and everyone for all of their help and hard work.

MOTION TO GO INTO EXECUTIVE SESSION

At 6:44 p.m. a motion was made by Councilman Junkin, seconded by Councilwoman Voveris, that Council go into Executive Session to discuss a personnel matter in which the names, competency, and abilities of individual employees concerning police department staffing will be discussed. The motion was unanimously carried.

EXECUTIVE SESSION - PERSONNEL MATTER IN WHICH THE NAMES, COMPETENCY, AND ABILITIES OF INDIVIDUAL EMPLOYEES CONCERNING POLICE DEPARTMENT STAFFING WILL BE DISCUSSED

Council went into an Executive Session to discuss a personnel matter in which the names, competency, and abilities of individual employees concerning Police Department staffing will be discussed.

RECONVENE WORKSHOP MEETING

At 7:00 p.m. a motion was made by Councilman Junkin, seconded by Councilman Gross, that Council go back into its workshop meeting session. The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE REGARDING PERSONNEL MATTER DISCUSSED IN EXECUTIVE SESSION

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council accept Chief Deloach's recommendations on who should take over for him while he is gone. After discussion, Mayor Jankowski called for a vote. The motion was unanimously carried.

ADJOURNMENT

A motion was made by Councilman Junkin, to adjourn the May 22, 2014, Town Council Workshop Meeting at 7:05 p.m. The motion was unanimously carried.