

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
MAY 8, 2015**

MEETING CALLED TO ORDER

Mayor Voveris called the May 8, 2015, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Council Members Sue Callaway, Tony Caputo, Jim Gross, George Junkin, Tim Saxton, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilman Al Rae

APPROVAL AND VOTE OF THE AGENDA

A motion was made by Councilman Junkin, seconded by Councilman Gross, to approve the agenda as published. The motion was unanimously carried.

COMMENTS BY COUNCIL CANDIDATES (3 MINUTES EACH) AND QUESTION AND ANSWER PERIOD

The following Council candidates had three minutes to make their presentation followed by a question and answer period:

- Elizabeth Baker
- Donald Boteler
- Joel Danshes
- Wayne Schrader
- Carol Stevenson
- Frank Weisgerber

PROPERTY OWNERS' PARTICIPATION

- Joan Marini (300 W. 8th St.) – Referring to an article in the Delaware Coast Press, Ms. Marini inquired if the Town was applying for a DNREC grant regarding wetland restoration. Ms. Marini stated that the wetlands this spring look unlike it has looked since she has owned property in South Bethany. Ms. Marini does not believe the wetlands will come back on their own because the lakes are too large. Councilman Junkin said there is no one on Council that has taken up the flag to go after working on wetlands. After discussion, Mayor Voveris said Ms. Marini's comment is a good comment and Council will treat it as "Old Business" at future Council meetings. Councilwoman Callaway suggested that it could be a topic for the Planning Commission to consider. The Town Manager stated that some of the wetlands within town limits are state and federally regulated. The Town Manager said that if the canal is dredged again perhaps the Town should approach the State to see if the material from the dredging would be suitable to restore the wetlands. Ms. Marini gave Councilman Junkin a copy of the article from the Delaware Coast Press.
- Ron Wuslich (130 Petherton Dr.) – Stated that there are plenty of smart people at DNREC who know what needs to be done to clean up the bays, but unfortunately jobs trump environment. Mr. Wuslich stated that he is encouraged by everyone's interest in the bays. Referring to his time as Chairman of the Planning Commission, Mr. Wuslich encouraged all of

the candidates to review the Town's Comprehensive Plan. Mr. Wuslich inquired about the status of putting the utility lines in town underground. Mr. Wuslich stated that the benefit of an underground system is safety during a major wind event. Mr. Wuslich noted that in the 1999 Comprehensive Plan 67% rated an underground wire system as very important or important. Mr. Wuslich asked if the Town permits people to continue to have showers drain directly in the canals. Councilman Junkin said an ordinance was enacted prohibiting stormwater from roofs and shower water to drain into the canals, however there is a "grandfather clause" in the ordinance. Councilman Junkin added that when the ordinance was adopted, Council was not successful at getting it to be non-grandfathered. Mr. Wuslich said that is something for the new candidates to think about because it is very damaging to the water quality. Reading from the 2006 Comprehensive Plan, Mr. Wuslich said the property owners priorities were as follows: 1) Improve water quality in the canals, 2) Insure continued beach replenishment, 3) Improve canal maintenance, 4) Enforce zoning, and 5) Ensure environmental protection of nearby bays.

- Jay Headman (436 Black Gum Dr.) – Mr. Headman recommended that the candidates read the results of the April 2011 Comprehensive Plan Community Survey. Mr. Headman noted that almost 80% of the people returned the survey. Mr. Headman said the survey gives direction of where the people want the Town to go.
- Ron Wuslich (130 Petherton Dr.) – Stated that he and several others started the Inland Bays Foundation three years ago, and through his experience he has found that you can lobby and you can educate but it is going to take litigation to get the State to do what they are supposed to do.
- Joe Conway (160 Henlopen Dr.) – Thanked the Police Department for alerting him at 1 a.m. one morning that it was raining and he had left the trunk of his automobile open. Mr. Conway said he can vouch for the Police Department when people question whether or not it is worth the investment to have 24/7 coverage.
- Joel Danshes (204 W. 10th St.) – Mr. Danshes asked the outgoing Council Members present at the meeting (Councilmen Gross and Caputo) if they had any outgoing comments or knowledge to pass on to the new Council Members. Councilman Gross said near the end of the meeting he will share comments regarding the development of law for the Town. Councilman Caputo said this is a great town with fabulous participating property owners. Councilman Caputo said Council Members are basically required to go to three meetings a month, and it is a substantial commitment particularly if you study the issues. Councilman Caputo said it helps to plug the holes that you think need it the most where your skill set matches. Councilman Caputo said there is a little bickering every now and then but it is minor. Councilman Caputo said the Town has good people who participate in the meetings, and South Bethany is a great place to live.

ADOPTION OF MINUTES

- **Town Council Budget Workshop Meeting Minutes, March 26, 2015** – A motion was made by Councilman Gross, seconded by Councilman Junkin, to accept the March 26, 2015, Town Council Budget Workshop Meeting Minutes.

The motion was unanimously carried.

LEADERSHIP REPORTS

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

Since my last report I attended an ambulance group meeting that included Bethany Beach, Fenwick, and Sea Colony. A disturbing topic covered during the meeting was the declining volunteerism throughout our country.

I have been busy preparing for upcoming FEMA meetings regarding the Preliminary FIRM (Flood Insurance Rate Map) to be issued the week of May 18 and have sent a communication to all property owners regarding the public meeting in June. All are encouraged to attend.

All candidates for Council seats have been contacted for us to become acquainted and to inform them of the time commitment of the job.

On Wednesday, May 6, South Bethany hosted a dinner for 120 attending on behalf of the Sussex County Association of Towns (SCAT). Jamie Nutter, the lobbyist for the group, was guest speaker. Town Staff and many from Town Council were in attendance.

This morning I attended the SCAT Steering Committee meeting. I don't have anything newsworthy to report on that. However, since attending the SCAT Steering Committee meeting this morning, the governor has called a meeting in Dover on Wednesday, May 13, of all Mayors to talk about budgetary items. I will be attending.

Last, I would like to acknowledge 3 Council members that will not be pursuing another term. Many thanks to Councilmen Caputo, Gross, and Rae for their time, interest, talent, and dedication in their service to the Town of South Bethany. Everyone acknowledged Councilmen Caputo's, Gross', and Rae's service with applause.

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

A reminder that the EMS Day is May 16 from 10 a.m. to 2 p.m. at the Bethany Beach Volunteer Fire Company. Flyers regarding EMS Day were on the sign-in table.

The Town Manager has received the first component of the report regarding the University of Delaware's road pavement evaluation of all the town streets. The Town Manager is waiting on two additional components and then he will make the report available to Council.

A reminder that the Beach Patrol starts Memorial Day Weekend. Lifeguards are on duty weekdays 10 – 5 and weekends (Saturday and Sunday) 10 – 5:30.

Mayor Voveris said she would like to point out the talent of our Town Manager - he takes very good care of monitoring and assessing our streets and our maintenance, and the University of Delaware study came in with one recommendation for paving which the Town Manager already had earmarked. Mayor Voveris thanked the Town Manager. The audience applauded.

- **Treasurer's Report**—Councilman Saxton reported as of April 30, 2015:

Revenue:

- Real estate transfer tax: The Town is \$176,000 above the amended FY15 Budget and \$276,000 above the original FY15 Budget. The Town had a fantastic year with real estate transfer tax revenue. Looking back as far as 2009, this is the best year the Town has had since then. Councilman Saxton said he does not know if it is going to continue next year. For the candidates running for Council, Councilman Saxton said the real estate transfer

tax revenue is very difficult to guess. Councilman Saxton said in FY15 there was a lot of activity on Ocean Dr., but for the FY16 Budget the Council lowered its expectations.

- Building Permits: FY15 was a very good year regarding Building Permits. The Town is around 38% higher than expected coming in at \$145,479.
- The rest of the major line items in the FY15 Budget hit anticipated budget.

Expenditures: The Town will come in under budget with expenditures.

Councilman Saxton reviewed the Town of South Bethany FY 2015 Preliminary Year End Operational Revenue Projections worksheet of which Council had a copy. Councilman Saxton said the worksheet was an immediate snapshot of revenue and is still fluid at this point in time.

Council Discussion:

- Councilman Gross requested a final reconciliation of the budget amendments in order to see what the original budget was, what the amended budget was, and the rationale for the amendments. Councilman Gross stated that he is not complaining and he understands that everybody is overworked.
 - Councilman Caputo commented that the Town is currently running two fiscal years simultaneously, and the Town needs to be able to write balance sheets for both fiscal years until FY15 gets closed. Councilman Saxton said that is the Finance Director's plan.
- **Police Department Report/Questions**—Chief Troy Crowson reported for the month of April, 2015:

Last month the department participated in the Distracted Driving Mobilization with the Office of Highway Safety (OHS).

The department will continue its work with OHS this month with the Click It or Ticket campaign set to begin May 11. The Click It or Ticket campaign is credited with motivating millions of motorists to always use their seat belts. Only 71 percent of Delawareans used seat belts when the campaign began in 2002. Today 92 percent of Delawareans buckle up. In 2014, there were 35 fatalities in Delaware resulting from crashes in which drivers or passengers were not wearing seatbelts. Wearing a seat belt increases the chances of surviving a serious crash by 50 percent. In pickup trucks, that number jumps to 60 percent as those vehicles are more likely than cars to roll over in a crash. In roll over crashes, seat belts help keep occupants from being ejected from the vehicles.

- Delaware law enforcement issue an average of 998 seat belt tickets per month
- May, June, July are the months with the most seat belt tickets written in Delaware
- Each individual fatality costs society \$1.4 million dollars
- From 2008-2012 seat belts saved nearly 63,000 lives
- Most crashes happen within 25 miles of home. Always buckle up.

The Town and the Police Department are also in the planning stages for a pedestrian safety event with the OHS as well as several bicycle safety events scheduled to take place this summer.

Public Comment: Kathy Jankowski (W. 4th St.) – Thanked the Police Department for coming to her house at 11:30 at night to check on her after her husband called the Police Department from Florida because Ms. Jankowski had cut her finger and it would not stop bleeding. The officer that responded called an ambulance and the Bethany Beach Volunteer Fire Company Ambulance Service crew came and was able to stop the bleeding. Ms. Jankowski said the service the residents get in South Bethany is unbelievable. The audience applauded.

Chief Crowson gave the following numbers to call for assistance:

1. In an emergency dial 911
2. In a non-emergency call:
 - The South Bethany Police Department at 539-3996
 - Delaware State Police – SUSCOM at 302-855-2980

Chief Crowson stated that Ocean City's Spring Fest is this weekend; therefore expect to see a higher traffic volume.

Public Comment: Betsi Baker (309 W. 7th St.) – Inquired about bicycle programs regarding helmets and lights. Chief Crowson said there will be at least one, possibly two, bicycle safety checkpoints this season in which the department will be handing out lights and possibly helmets. Chief Crowson said he is seeking more grant funding for bicycle safety packs for kids, helmets, lights, etc. Ms. Baker asked if the Police Department could accept donations for the bicycle programs. Chief Crowson said the department can take donations.

ADMINISTRATIVE MATTERS

- **Discussion and possible vote on the Investment Policy Statement**

Council had a copy of the Investment Policy Statement with the corrections requested by Council at the April 23, 2015, Town Council Workshop Meeting with one exception – in the last sentence of Section 8.1, "Investment Officer" needs to be changed to "Finance Director".

Motion: A motion was made by Councilman Junkin, seconded by Councilman Saxton, that Council accept the policy.

Discussion: Councilman Caputo stated that this is a policy that needs to be complied with and needs to go in the policy and guidelines book.

Vote: The motion was unanimously carried. Mayor Voveris stated that the motion passed with the one change mentioned by Councilman Saxton.

- **Discussion and possible vote on Town Hall Use Policy**

- **Draft Guidelines for Use of Town Hall Facilities**

Section 1.1, Line 3: Councilman Caputo proposed deleting ("*Users*").

Section 1.1, Line 6: A discussion ensued regarding deleting *qualified "Users"*.

Section 1.2: Remove Section 1.2 entirely.

Section 2.1, Third Sentence: Make grammatical corrections.

- **Draft Application for Use**

Delete the last sentence of the form regarding a refundable deposit.

Change the title of the form to Town Hall Conference Room Use Request Form.

A motion was made by Councilman Caputo, seconded by Councilman Gross, to table the vote on the Town Hall Use Policy. The motion was unanimously carried. Councilwoman Callaway will make changes and bring it back to Council at the June 25, 2015, Town Council Workshop Meeting.

ORDINANCES/RESOLUTIONS

- **Second Reading of Ordinance 179-15 to amend the Code of the Town of South Bethany, Chapter 145, Zoning, Article III, "Definitions", to revise and clarify Floor-to-Area Ratio (FAR), Substantial Damage, and Substantial Improvement (Jim Gross)**

§ 145-3, Definitions and word use, FLOOR-TO-AREA RATIO (FAR) – Councilman Gross suggested changing $\frac{1}{4}$ " (*one fourth inch*) minimum to $\frac{1}{4}$ inch (*one fourth inch*) minimum.

There were no other comments regarding Ordinance 179-15.

Because he will not be a member of the Town Council for the third reading, Councilman Gross suggested that Councilman Junkin handle the third reading of Ordinance 179-15. Councilman Junkin said he has no problem with leading the discussion for the third reading.

Mayor Voveris declared this the second reading of Ordinance 179-15.

COMMITTEE & COMMISSION REPORTS

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

EARTH DAY, APRIL 22, 2015

CEC members Sue Callaway, Lori Cicero, Donna Farrow, Kathy Jankowski, George Junkin, Diann Nazarian, Kent and Bobbe Stephan, Carol Stevenson, and Pat and Frank Weisgerber and Public Works staff Don Chrobot, Rick Gentile and Ryan Crowson gathered together at the Anchorage Forebay to landscape the area in front of that town landmark. While enjoyable, the group worked hard and created quite a transformation. In addition, Chris Bason, Executive Director of the Delaware Center for the Inland Bays, joined the group to present the community education sign "*Capturing Stormwater...for Cleaner Canals.*" Residents and visitors will now be able to relax on the new bench, enjoy the view and learn more about our stormwater management efforts and their impact on South Bethany canals and surrounding bays. Thanks are extended to all the volunteers and to Public Works who participated in the event and made things happen. Don has completed the stand for the sign and it has been installed. Laura Walter, reporter for the *Coastal Point*, covered the event and the Earth Day article appeared in the May 8 edition.

The day after Earth Day another canal adoption right next to the Anchorage Forebay was completed which expands that whole area to be more favorably landscaped. Thanks to the Timbario Family (Anchorage Drive homeowners) for adopting that canal end. It looks marvelous.

The CEC met on Thursday, April 23, 2015

Update on Ocean Drive Art Boards

Presentations of Completed Artwork and Photography

- Presentation of Ann Boteler's imaged photography (*Ann attended and photograph was taken*)
- Presentation of Karen Messick's imaged photography (*Karen attended and photograph was taken*) taken on April 18)
- Presentation of Leigh Dwyer's imaged photography
- Presentation of Karen Mumford's Original Artwork (*Artwork now in scan process*)

CEC Review of New Artwork Submissions and Photography

- Review of Stephanie and Steve Bunoski's Photography (*Selection made by CEC, photographer notified and photograph now in imaging process*)
 - Review of Bonnie Rae's Artwork (*Selection made by CEC, artist notified and artwork now in scan process*)
 - Review of Rosemary Carroll's Artwork and Photography (*Selection made by CEC, photographer notified, and photograph now in scan process*)
 - Review of Amanda Sokolski's Artwork (*Selection made by CEC, artist notified and artwork now in scan process*)
 - Review of Heather Sheridan's Artwork and Photography (*Selection made by CEC, photographer notified, and photograph now in imaging process*)
 - Sue is preparing biographies (*these will be located on the website*) of all the participating artists that will also include a photo, the title of the work and its location on Ocean Drive or Seaside Drive
 - Since the meeting, May 19 has been confirmed as the date to begin hanging the 13 new and "old" imaged artwork. Coastal Point will be covering this next step.
- ❖ *Sue expressed her thanks to all the artists that have contributed toward the funding of the scan or imaging process. The response has been overwhelmingly generous.*

Discussion of Previously Proposed Town Hall Art Exhibit featuring OCEAN DRIVE ARTISTS AND PHOTOGRAPHERS

The group discussed the purpose, potential cost and logistics involved. The group voted to sponsor an exhibit of the artwork done by the Ocean Drive/Seaside Drive participating artists. Upon discussion at the May 8 Town Council Meeting, the exhibit would be announced to the artists who may include their original artwork submitted or another piece done by the artists. The exhibit would begin at the earliest by May 30 for the "Coffee with the Council" but no later than June 6 – the date of the SBPOA Bull Roast held at Town Hall. It was determined that no costs are involved as there will not be an opening event. Kent Stephan volunteered to help Sue with setup and organization of the exhibit.

Council Discussion: Councilwoman Callaway asked if this was an idea that is supported by Council. There were no objections from Council. Council did express concerns about adding additional holes in the wall.

Addendum

- On May 4, Melvin received a design plan from Sussex County submitted by Lord's Landscaping. The plan is for landscaping the area surrounding the water treatment facility at the corner of Anchorage and Route 1. Public Works and CEC Chair made several comments about the plan which Sussex County is reviewing. (Administrative Assistant Note: The Town Manager stated that Sussex County has to forward the plan to DelDOT for their approval.) In addition, some of the fixtures have been re-painted in response to peeled paint complaints.

Next Meeting

May 19th – hanging of artwork – Ocean Drive – 9:30 AM

The CEC will meet on Wednesday, May 27, at 10:15 AM

- **Budget and Finance Committee** – Councilman Saxton reported:

The Budget and Finance Committee met on May 8, 2015.

The committee reviewed Actual versus Budget through the end of April 2015 for FY 2015.

The committee reviewed and approved the Budget Control Guidelines. The committee is ready to bring the guidelines to Council.

The committee discussed the Capital Reserve Policy. The committee will be bringing forward a recommendation to Council the next time Council meets.

The last policy that needs to be written is on the ARM and how to fund it. The committee is ready to bring those numbers forward at the next Council meeting.

- **Charter and Code Committee** – Councilman Gross reported:

The Charter and Code Committee has not met nor scheduled any meetings since the last Town Council Regular Meeting a month ago.

Councilman Gross took this occasion to make some additional comments. Councilman Gross said he has been on the Charter and Code Committee for two years. Councilman Gross said it might be helpful for the new councilpersons and property owners to have a review of the process Council goes through and the progress that has been made. Councilman Gross stated that he has sponsored 15 ordinances during this two year period. Typically each ordinance goes through review by the Council in a workshop meeting and then it goes to three readings, a month apart, and sometimes a public hearing. The ordinances are also reviewed by the Town's attorney. The process takes perhaps four months. Councilman Gross stated that it is an excellent process but it is not easy. Councilman Gross stated that in his view the 15 ordinances that he sponsored, four of which were cosponsored by other members of the Council, improved the laws of South Bethany. Councilman Gross stated that by the end of the process all 15 ordinances that he sponsored were agreed upon unanimously by Council. Councilman Gross stated that he appreciates the opportunity to have served in this capacity and he wishes the new Council well. Councilman Gross said he hopes the new Council finds it as interesting and satisfying as he has. Councilman Gross expressed his thanks. The audience applauded.

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

- We had a kick off meeting this morning with Sharon Webb from DNREC, Pete Boyer from A-DEL Construction Co. and Darl Kolar from EA for the Sandpiper Pines Stormwater Retrofit Design/Build Project for Sandpiper Pines. Design of the retrofits will be completed by this fall and the construction and planting will be done in the spring of 2016.
- The Large Oyster Cages and Floating Wetlands Project for the York Canal is now back on track.
 - All of the original homeowner participants have signed an updated letter of agreement to the project with the new end date of December 2016.
 - The schedule calls for installing the 100 oyster cages along the participating owners' bulkheads on May 14 and 15.
 - The floating wetlands will be installed shortly after the oyster cages are installed (probably early to mid June).
 - The DNREC Shellfish Sanitation Department permit is dependent upon not publicizing it in the papers. So please follow DNREC's request.
 - We are looking for volunteers to help stuff oysters into the cages Thursday and Friday morning (14th and 15th) at about 9:00.

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:
 - A proposal was submitted 1/30/2015 to DNREC titled Sea Level Rise Adaptation – Multi-Criteria Evaluation, for a DNREC Coastal Management Assistance Grant. DNREC sent us a contract to sign. We have signed it and returned it to them for the Secretary of DNREC to sign. We hope to get the project started before the end of May.
- **Planning Commission** – Councilman Rae reported: In Councilman Rae's absence, there was no report.
- **Assawoman Canal Trail** – Councilman Rae reported:

Prior to the meeting Councilman Rae submitted the following report which Mayor Voveris read: Bob Ehemann, Community Assistance/Grant Coordinator, DNREC, Division of Parks and Rec led a visit to the Trail with the Construction Manager, Pierce Thompson, last week. The Town Manager and I participated. The attendees walked a portion of the Trail and were informed that the Northern half will be completed by the end of May. The Northern Trail will have one large bridge which will be installed in May. It all looked very nice and it will be wonderful for South Bethany when the Southern half is completed.
- **Communications and Public Relations Committee** – Committee Chair Jankowski reported:
 - Realtor Meet and Greet—The Realtor Meet and Greet was held on Friday, April 24. Twelve realtors representing six agencies attended. Kristie Maravalli represented the Bethany-Fenwick Chamber of Commerce. The agenda theme is “Why would you rent or buy in South Bethany rather than our neighboring communities?” Presenters were Mayor Pat Voveris, Chief of Police Troy Crowson, Councilwoman Sue Callaway, Code Enforcement Constable Joe Hinks, and myself. Based on suggestions from last year, Kent Stephan introduced a “renter’s survey,” which was very well received. There was much discussion on the use of Survey Monkey for gathering this information. Kent and I will meet with Kristie on Monday, May 11, for a demonstration on how the Chamber of Commerce uses this tool.
 - 4th of July Parade Float—The initial meeting was held on Thursday, April 23, following the CEC meeting. Plans are to use some of the materials from last year, since the parade was canceled last year. Peter Bogetti, working with Renee, has secured a portable sound system for the float. The next meeting will be held on May 20 at 10:15 at the Town Hall.
 - Town Song—Eric Tsavdar, Selbyville Middle School music teacher, is composing a town song for South Bethany. The initial music has been composed. An initial meeting was held on Saturday, April 18, where ideas for lyrics were provided by several of our property owners. Eric plans to have the song completed by the beginning of June in time to practice for the 4th of July parade.
 - Movie on the Beach—This year “Dolphin Tale 2” will be shown on Saturday, July 4.
 - Boat Parade—A meeting is scheduled for 4 pm on Friday, May 22, at the Town Hall.
 - Pedestrian Safety—The Mayor, Town Manager, Chief of Police, and I met to discuss plans for a “Pedestrian Safety” program in conjunction with the Department of Highway Safety. T-shirts were ordered for Town staff and council members. Friday, July 3 or 10, will be set aside for a day of pedestrian safety recognition, depending on the availability of Department of Highway Safety.
 - Yoga on the Beach—A yoga instructor will hold sessions from 8 to 8:45 am on Wednesdays in July, on the beach at S. 3rd Street. (Donations will be accepted; there is no cost to the Town for this activity.)
 - Bicycle Safety—Corporal Mark Burton is in charge of this activity. Tentatively July 8 is the date set aside for this event where bicycle checks are made and literature is distributed as in previous years.

In June, I will report on other future events.

PUBLIC COMMENT

There were no comments from the public.

ADJOURNMENT

A motion was made by Councilman Gross, seconded by Councilman Saxton, to adjourn the May 8, 2015, Town Council Regular Meeting at 9:05 p.m. The motion was unanimously carried.

PHS:Regular Meeting Minutes 2015 05 08 Amended and Adopted 6 25 15