

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
MAY 9, 2014**

**MEETING CALLED TO ORDER**

Mayor Jankowski called the May 9, 2014, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Tony Caputo, Sue Callaway, George Junkin, and Pat Voveris; Town Manager Melvin Cusick; M/Cpl. Lee Davis; and Administrative Assistant Pam Smith

**PROPERTY OWNERS' PARTICIPATION**

- Bryant Elrod (113 Tern Dr.) – Inquired what the plan for the Mobi-Mats was this year. Mr. Elrod said that some of the slopes are more significant than others and there is a lot of sand, especially on the western side of the dune. Mr. Elrod asked if the Mobi-Mats were going to extend down toward the bottom of the western side of the slope because that seems to be the hardest part to walk up. The Town Manager said the Mobi-Mats will be installed on the walkways before Memorial Day weekend. The Town Manager said there is only one Mobi-Mat for each crossing and each Mobi-Mat covers 50 feet. The Town Manager said the eastern side of the crossings has been fixed by the Army Corps of Engineers' contractor and is back to the hard packed material. Therefore the Mobi-Mats can be placed further on the west side this year than they were last year.

**LEADERSHIP REPORTS**

- **Mayor's Report**—Mayor Jankowski reported:
  1. Councilwoman Callaway, Chief Joe Deloach, Melvin Cusick and I met with Ken Cimino, the Route 26 construction on-site public outreach coordinator, on Thursday, April 17, at 9 a.m. to discuss the impact of detoured traffic on possible cut throughs on Black Gum Road in Cat Hill. Ken agreed to ask DELDOT to put an additional detour sign before the entrance to Cat Hill to hopefully encourage people to continue straight on Kent Avenue and pass by the entrance to Cat Hill.
 

Council discussion: Mayor Jankowski said if Council is interested, at the next Town Council Workshop Meeting she would like discuss having a committee to work on the walking safety issue in Cat Hill. Mayor Jankowski noted that this was a concern residents expressed at the Meet the Mayor sessions. Councilman Rae said the committee would need to have representation from the property owners in Cat Hill. Mayor Jankowski agreed and said that South Bethany property owner George Rosenberg is interested in participating on such a committee. Councilman Junkin suggested having questions on the survey regarding this. Mayor Jankowski agreed.
  2. On April 22 we held our second realtor “meet and greet” focused on “why would you buy or rent in South Bethany?” Over 20 realtors shared why people like South Bethany. Some suggestions were:
    - 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.

Council Discussion: Mayor Jankowski encouraged Council and the Planning Commission to take these into consideration as input for the questionnaire or survey. Mayor Jankowski said Council will discuss these items at the next Workshop. Councilman Rae said that links are easy to post at basically no cost. The Town Manager cautioned not to advertise private enterprises on the town government website. The Town Manager suggested encouraging the businesses to put their links on the Chamber of Commerce website since the Town has the Chamber's link on its website. Councilwoman Callaway asked if it would be appropriate to put a link to the library on the Town's website. The Town Manager said yes because the library is a public entity supported by tax dollars.

3. Councilwoman Callaway, Councilman Gross, Councilman Rae and I attended the Sussex County Association of Towns dinner meeting on Wednesday, May 7. Topics included real estate planning and the Center for Inland Bays. The Town of South Bethany plans to have a table at the August 14 20-year celebration of the CIB.

Council Discussion: Councilman Gross stated that SCAT needs to improve their programs. Council agreed. Councilman Gross suggested talking to SCAT about improving the programs and perhaps offer some ideas. The Town Manager noted that at the beginning of the year when SCAT is trying to schedule the meetings they do ask for suggestions for speakers. The Town Manager said the appropriate place to make the suggestion would be at a SCAT Steering Committee Meeting.

4. Tuesday, May 13, at 7:30 p.m. please attend a meeting to discuss Assawoman Canal and our waterways at the Millville Fire Hall. This is a great opportunity to share our frustrations with the lack of dredging and maintenance of the Assawoman Canal and the impact it has on our community.
5. Melvin and I attended the Sussex County Association of Towns Steering Meeting this morning. It was announced that the house bill to introduce unions into the municipal police departments has been abandoned.
6. There will be an open house at the Bethany Beach Fire Hall. Please stop by to see the new ambulance, which was partially funded by our property owners. The South Bethany Police Department will also be hosting bicycle safety at this open house.
7. On May 25, the Town of South Bethany and the Historical Society will celebrate the dedication of our meeting room to May Fellerski. Please come join us at 1 p.m. in the Town Hall.
8. Our May 22 workshop will focus on preparation for the Planning Commission's Comprehensive Plan, fixed asset capitalization and depreciation policy guidelines, budget preparation policy guidelines, and approval of our vision and mission statements. As usual, this is an open meeting and I encourage you to attend.
9. Action Items/Issues Tracking—In accordance with our transparency policy, I propose a page on the web site to keep track of action items/open issues and their resolution. I recommend this be the task of the Town Council Secretary. The following are examples of items to track:
  - a. Fire Pits The Town Manager and/or the Code Enforcement Constable will contact Bethany Beach to see if they are having any problems enforcing their ordinance regarding fire pits and report back to Council.
  - b. Strategy Document Councilwoman Voveris said she will study the document this weekend; Suggested that Kathy, Melvin, Dick Oliver, and Joe Conway get together to determine appropriate owner for the document, etc.

Council Discussion: Councilwoman Voveris said she has been looking into this and she is considering adding to the meeting agendas an item for "Old Business" in order to follow up on questions that needed to be answered.

10. Police Department—Mayor Jankowski received a memo from Chief Deloach and Council had copies announcing that Linda O'Malley will retire effective July 1, 2014. Chief Deloach will be on medical leave effective May 29, 2014. Mayor Jankowski stated that Council will further discuss the information in the memo in an Executive Session at the May 22, 2014, Town Council Workshop Meeting.

Council Discussion: Councilman Rae asked what this means in regards to the June Bug effort. M/Cpl. Davis said this gives the Town four officers on the street which is single coverage – one officer a shift. The Police Department is accepting applications for part-time officers. Councilwoman Callaway asked if Chief Deloach had met with all the Realtors about the procedure to follow if there was a June Bug incident, and if he has not, would Lt. O'Malley be doing that. Councilman Junkin added that the Realtors would also tell the Chief what houses to look for in regards to June Bugs. M/Cpl. Davis said he will check with the Chief to see if he is doing that or if another officer needs to do it. Mayor Jankowski stated that she assumes the Chief has already covered this issue with Lt. O'Malley, but Mayor Jankowski will follow up with Lt. O'Malley.

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

The notice of the monthly Route 26 Mainline Improvement Construction Advisory Group Meeting on Tuesday, May 13, 2014, at Bethany Beach Town Hall at 10 a.m. was available on the sign-in table. The Town Manager stated that this is a public meeting. The Town Manager suggested that property owners attend at least one meeting in order to get on the email list to receive notifications of the lane closures and other information regarding the Route 26 widening project.

The Ambulance Service Report and the Code Enforcement Constable's Report were available on the sign-in table. An informational flyer on the EMS Day was also available on the sign-in table.

Beach Patrol – Ryan Dacey is returning as the Town's Beach Patrol Captain this year. He has scheduled tryouts for open spots, but there are a lot of returning guards this year.

- **Treasurer's Report**—Tony Caputo reported as of May 9, 2014:

#### **Financial Reports**

Referring to the financial material Council received in their packet, Councilman Caputo encouraged Council to ask any questions they may have, preferably by email or one on one with the Finance Director or him. The packet includes Edmunds reports for all funds including the following: Abbreviated Detail Revenue Account Status (2 pages), Summary of Expenditure Status (1 page), Abbreviated Expenditure Account Status (6 pages), and Balance Sheets (8 pages). A Revenue Summary is also included that is taken from our prior systems.

#### **FY 2015 Budget Process**

The FY 2015 Budget was adopted at our April 11 meeting, and it has been loaded into the Edmunds Finance System and we rolled forward in our books last fiscal year to the current fiscal year. During May we will be processing transactions for both fiscal years. The FY 2015 Budget report was produced after the budget was adopted and if you have any suggestions as to how we might be able to improve this document please email me.

**Tax, Trash and Ambulance Billing**

Renee processed and mailed the May 1, 2014, property owner's annual combined Property Tax, Trash Fees and Ambulance Fee bills last week. The Town billed 1409 properties. The Finance Director has been extremely busy - she is the nerve center for a lot of these activities.

**Budget & Finance Policy Manual**

We are working on it. The Budget and Finance Committee has drafted Fixed Asset, Budget Preparation and Investment policy guidelines. Joe Conway has been working with me regarding one on Budget Stabilization Reserve.

**Town's FY 2014 Financial Status (Projecting a surplus)**

We are at the end of the year and still need to process some FY 2014 transactions for a few weeks into FY 2015. It is possible we will have a surplus of over \$100,000 after all FY 2014 transactions are processed. I am happy to report that right now on our books it is showing a surplus of \$179,000. There are going to be transactions that still need to come in and we are subject to some audit adjustments, but we will definitely have a pretty good surplus at the end of the year. Realty Transfer Tax revenue was just under our \$255,000 budget by \$1,404. And it is interesting to note that Renee came within \$1400 on Realty Transfer Tax. The Town budgeted \$255,000 and the actual was \$253,600.

- **Police Department Report/Questions**—M/Cpl. Lee Davis reported for the month of April, 2014:

Overall for the month:

- Domestic assault involving a fight between a father and son which was alcohol related.
- Three agency assists.
- Four alarms that were either weather related or alarm needed to be adjusted.
- An accident involving a cement mixing truck and a passenger car. An improper lane change caused the accident.
- Responded to a dog in the water that appeared to be in distress. Lt. Crowson rescued the dog.

Councilman Gross asked what kind of complaints the Police Department gets. M/Cpl. Davis replied domestic assaults, suspicious individuals, possible burglaries, fights, intoxication, agency assists, backing up EMS with traffic control, etc. M/Cpl. Davis stated that a majority of complaints are not major. M/Cpl. Davis reported an incident in Fenwick Island last week where a Fenwick Island Police Officer's car was hit in the rear and totaled by a drunk driver driving a car 60 MPH with no lights on. This happened at a time when the officer had a vehicle pulled over that also involved a drunk driver. Seven people went to the hospital. For officer safety, the Move Over Law is a big deal. M/Cpl. Davis said officers deal with things as severe as the incident in Fenwick Island and as minor as barking dog complaints.

**ADMINISTRATIVE MATTERS – CONSIDERATION AND POSSIBLE VOTE TO AWARD BID NO. 14-01 SUPPLY OF NEW 2014 POLARIS ATV (MELVIN CUSICK)**

The Town Manager stated that the Town followed the Town's purchasing procedure. Three bids were submitted. The low qualified bidder which meets all the specification is L & D Cycles in Dover. Their bid price was \$13,827.08. The Town budgeted \$15,574 for this unit. The bid is under budget by \$1,746.92. Also, the Town has a \$1,500 grant from Sussex County for the ATV. The Town Manager's recommendation for the Council is to award the Supply of New 2014 Polaris ATV Bid No. 14-01 to L & D Cycles for the low bid of \$13,827.08 which meets bid specifications. A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the Town Manager's recommendation (Award the Supply of New 2014 Polaris ATV Bid NO. 14-01 to L & D Cycles for the low bid of \$13,827.08 which meets bid specifications). Councilman Gross inquired about the bid that was totaled \$13,000.00. The Town Manager said it is a smaller horse power, a smaller unit, and he thinks it has some hours on it. The Town Manager said the company bid it because it was on the lot. Mayor Jankowski called for a vote. The motion was unanimously carried.

## **COMMITTEE REPORTS**

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

**Earth Day Canal/Road End Adoption** – The Community Enhancement Committee gathered on April 22, 2014, to celebrate Earth Day and landscape an adopted canal end on Peterson Drive near Anchorage. A host of volunteers worked on transforming the canal end including: Mayor Kathy Jankowski, Sue Callaway, Pat Weisgerber, Carol Stevenson, Diann Nazarian, Donna Farrow, Lori Cicero, and Kent and Bobbe Stephan. We also appreciate the tremendous help from the Public Works Department. An article with photographs is in the current issue of the *Zephyr* and is posted on the CEC section of the website. There was also an article in the WAVE newspaper featuring the event.

**Town Landscaping Plans:** Work on Bio-retention beds, circle beds, pedestrian walkway rain gardens; York Beach Mall gardens; Richard Hall Memorial Park and Cat Hill Entrance Way is underway. Lantana has been planted in the welcome beds and the circle beds along the Route 1 median. Landscaping has been a little bit slower than normal this year because of the weather and it is impacting a lot of the plant supply. Therefore we are getting things in bits and pieces which is why the welcome beds haven't been quite completed yet, but we are moving along. Richard Hall Park was re-landscaped this past week as well. The trash containers along Ocean Drive were repainted this past week. We will be planting Lantana in them shortly.

**Adopt-A-Canal/Road End Program Update:** The following adopt a canal/road end projects are completed: Petherton Road End; W. 7<sup>th</sup> Street Road End; and Sussex Place Road End. Carol Stevenson has organized a group of volunteers to weed adopted canal ends whose adopters have turned them back to the Town after their one-year maintenance agreement and also the Earth Day adoptions and Richard Hall Park.

**Ocean Drive Lighting:** The new lights have arrived however the arrival of the bases has been delayed. Once they are here, we will reposition the existing lights and hang the new lights to be evenly distributed along Ocean Drive.

### Council Discussion:

- Councilman Junkin said he and his wife took a walk on Ocean Drive one night at about 10 p.m. Councilman Junkin said where the five lights are makes a big difference compared to further north where there are no lights. Councilman Junkin said the lights are not intrusive but they do make a difference. Mayor Jankowski agreed and said she thinks they give a feeling of security.
- Councilman Gross stated that the brackets on the new road signs are corroding and are in bad shape. The Town Manager stated that the Maintenance Supervisor spoke with Bethany Beach's Public Works Supervisor and they have the same problem. The salt air is hard on them. The Maintenance Supervisor tried painting the brackets with rust inhibitor paint but they are still corroding. Mayor Jankowski asked if they are getting repainted. Councilwoman Callaway said the Maintenance Supervisor is aware of it but they have not talked about that.

**Next Meetings** – The CEC will meet on Thursday May 29<sup>th</sup> at 10:00 am.

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

The Budget and Finance Committee met Friday, May 2, for two hours and 15 minutes. Joe Conway gave a PowerPoint Presentation on why the Town should have reserves. Councilman Caputo thinks the committee is pretty much convinced the Town should seriously consider setting up reserves. Joe Conway and Councilman Caputo have been working on the wording. Steve Farrow was not at the meeting - he is bringing forward a policy with regards to investing. Councilman Caputo has worked on a fixed assets policy. Joe Conway and Councilman Caputo are working on a budget preparation policy.

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

- Grant Activity

- Grant for Rain Gardens along the East Side of Route 1.
  - We are in May and excavation has not started. I have expressed my concern to Bart Wilson from the CIB of our concerns with finishing the project by Memorial Day.
  - Bart responded yesterday (May 8), "Our goal is to start work the beginning of next week (Monday for the excavating and Wednesday to start planting). Contracts are in place for excavation and planting. We are still waiting final approval on the temporary traffic control plan by DeIDOT. We should have that tomorrow."
- Large oyster cages and floating wetlands in South Bethany Canals
  - No new information on this grant. There is a full page article on the topic in the *Inland Bays Journal* produced by the CIB, page 6, Spring/Summer 2014.

Council Discussion: Mayor Jankowski suggested sending a link to the article to the property owners.

- Bioretention areas in Sandpiper Pines
  - No new information on this grant. We still expect the final report in May for the conceptual designs.

- Water Quality Monitoring is continuing on its weekly summer schedule.

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

No action to report.

- **Communications and Public Relations Committee** – Councilman Rae reported:

Councilwoman Callaway, Lori Cicero, and the 4<sup>th</sup> of July Float Committee are getting things geared up for the float in the Bethany Beach 4<sup>th</sup> of July Parade. Councilwoman Callaway added the following:

**4<sup>th</sup> of July Float Committee:** The Kick-off meeting was held on Thursday, May 8, at 1:00 p.m. and attended by Sue Callaway, Lori Cicero, Don Chrobot, Kent and Bobbe Stephan, Frank and Pat Weisgerber, and Beryl Long. Kathy Jankowski and Todd Stevenson were unable to attend due to the funeral for South Bethany resident Roger Rogowski. The group met for two hours and reviewed float ideas and recommendations from last year and developed a design plan for the 2014 float. The Bethany Beach parade does not have a specific theme this year but encourages patriotism which we are incorporating into the design. The committee will meet again on May 29<sup>th</sup> at 1:30 p.m. at Town Hall.

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:
  - There was a SLR & SS Committee meeting this afternoon at 1:00.
    - The Committee had been tasked by Council to prepare an alternate suggestion to the code requirements that they had previously proposed relative to freeboard and building height. The suggestion that resulted from over one hour of discussion was “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.” The Committee recommends that Council task the Charter & Code Committee to develop the appropriate code words for code paragraphs §145-35J and §145-38E(2) that address Maximum Building Height.
    - The Committee then spent the next hour reviewing the draft slides for the public presentations later this month. The most significant suggestions were to shorten and simplify the presentation.
  - Grant Activity
    - Sea Level Rise Adaptation – Baseline Survey
      - Public meetings to present SLR & SS issues and elevation survey results will be held at the Town Hall at 7:00 PM on Friday, May 23, May 30, and June 6. Each of the presentations will be the same. There will be three meetings so that more people will be able to attend. The agenda will include:
        - History Tells Us That South Bethany Is Very Vulnerable To Storm Surge.
        - Over The Last 100 Years Sea Level Has Risen Significantly In Our Area.
        - How high is South Bethany?
        - Estimates of what SLR & SS might be in the future
        - What Is South Bethany Doing To Adapt?
        - What Can Homeowners Do To Adapt?
        - Flood Insurance Issues
        - Bottom Line – South Bethany Is Very Vulnerable And Sea Level Is Rising

Council Discussion:

Mayor Jankowski verified that a discussion regarding the SLR & SS Committee's alternate suggestion to the code requirements will be on the May 22, 2014, Town Council Workshop Agenda.

Council had a discussion regarding a report issued by the Environmental and Natural Resources Law Clinic at Widener Law titled "Assessing the Legal Toolbox for Sea Level Rise Adaptation in Delaware: Options and Challenges for Regulators, Policymakers, Property Owners and the Public". The report was authored by clinic Director and Associate Professor Kenneth T. Kristl with the help of eight clinic students. Kenneth Kristl will conduct a public workshop about the report at the South Coastal Library on Thursday, May 15, at 6:30 p.m. Councilman Junkin and Councilman Gross agreed the report is a very good document but most of the report does not apply to South Bethany. Councilman Gross said the report is something the Town should take a look at because it suggests things the Town ought to do in anticipation of possible legal ramifications. Councilman Gross said one point made in the report that the Town should do is that when Council decides to send proposed code changes to the Charter and Code Committee, the proposed changes should be sent to FEMA, Sussex County, and the State of Delaware to get their comments early on.

Public Comment: Mr. Elrod asked if in addition to the building height was bulkhead height ever up for discussion.

Councilman Junkin said the SLR and SS Committee recommended the following: Maximum bulkhead height should be limited to the Base Flood Elevation (BFE) as documented on the most current FEMA Map and any bulkheads that require replacement should have a height of at least 3.0 feet NAVD. Councilman Junkin said Council did not like the recommendation and

so the SLR and SS Committee has stepped back and decided to worry about bulkheads later. Councilman Junkin said it is more important to worry about people that want to raise their houses and can't because they are at the height limit. Councilman Gross stated that he thinks the committee was convinced that what the committee was proposing was not workable. Mr. Elrod said his concern about higher bulkhead height was in regard to the boat ramps around town that would allow water to come up and defeat the purpose. After discussion, Mayor Jankowski stated that Council realized the various issues and that is why Council decided that bulkhead height was not going to be addressed at this time.

### **AREAS OF INTEREST**

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

Councilman Rae mentioned the meeting with Senator Hocker and Representative Gray on Tuesday, May 13, at 7:30 p.m. at the Millville Fire Hall to discuss the Assawoman Canal.

The State had two update meetings regarding the Assawoman Canal and Trail, one on April 16 and one on April 22. The meetings were geared towards the residents on the first phase of the trail in the Ocean View area. Mayor Jankowski noted that they will not start on the southern part of the trail until sometime in 2015.

- **Board of Adjustment** – Councilwoman Voveris reported:

The Board of Adjustment is scheduled to have a hearing on May 21.

### **PLANNING COMMISSION REPORT** – Mayor Jankowski reported:

Mayor Jankowski is meeting with Planning Commission Chairman, Dick Oliver, on Monday, May 12, in preparation for the May 22 Town Council Workshop Meeting regarding the Comprehensive Plan and the strategy document.

Councilman Rae noted that he has talked to a consultant for Microsoft and there is a product available that may work to update the strategy document. Councilman Rae said he will give Council an update as he learns more.

Councilman Caputo stated that he does not believe the strategy document can be successful unless someone takes the responsibility for maintaining the document, and he does not believe it can be successful if Council shares the responsibility for doing the updates. Mayor Jankowski said there has to be an owner for it and that is one of the things she is going to discuss with Dick Oliver on Monday.

### **ADJOURNMENT**

Before adjourning, Councilwoman Callaway thanked Mayor Jankowski for the time and effort she has put into the last couple of years. Noting how Mayor Jankowski's term started with the flood and fires, Councilwoman Callaway said it has been a busy time and she would like to personally thank Mayor Jankowski. Mayor Jankowski thanked everyone for their support. Everyone applauded.

A motion was made by Councilman Gross, seconded by Councilman Junkin, to adjourn the May 9, 2014, Town Council Regular Meeting at 8:15 p.m. The motion was unanimously carried.