

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES NOVEMBER 8, 2013
--

MEETING CALLED TO ORDER

Mayor Jankowski called the November 8, 2013, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag. Mayor Jankowski announced that Councilman Gross was on vacation and his absence from this meeting was excused.

ATTENDANCE

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

EXCUSED ABSENCE: Councilman Jim Gross

PROPERTY OWNERS' PARTICIPATION

- Mike Matera (311 W. 9th St.) – Asked what the Town is going to do with the pine needles on the street. Mr. Matera stated that he has seen some cigarette butts in the street and he believes cigarette butts could catch the needles on fire. Mr. Matera stated that pine needles are piled between the street and the property line. The Town Manager stated that there are pine needles all over this section of town (near Town Hall) and he does not know how it can be controlled. The Town Manager added that the Town does not own a street sweeper.
- Maria Johansen (3 S. Anchorage Ave./South Bethany Historical Society President) – On behalf of the South Bethany Historical Society, Ms. Johansen thanked the Town for donating \$1,000 to the South Bethany Historical Society. Mayor Jankowski thanked the Historical Society for their work. Mayor Jankowski said it is unbelievable what the Historical Society has accomplished in such a short period of time.
- Mike Matera (311 W. 9th St.) – Regarding the Trash/Recycle carts Violation Notices in the Code Enforcement Report, Mr. Matera asked if the notices were citations or warnings. The Town Manager said they were warnings because they were new offenders. The Town Manager said he thinks the property owners that have been warned previously are heeding the warning.

ADOPTION OF MINUTES – TOWN COUNCIL REGULAR MEETING MINUTES, OCTOBER 11, 2013

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the October 11, 2013, Town Council Regular Meeting Minutes as amended as follows:

Page 2, Administrative Matters, Discussion, Third sentence: Change “membeship” to read “membership”.

The motion was unanimously carried.

LEADERSHIP REPORTS

- **Mayor's Report**—Mayor Jankowski reported:
 - Assawoman Canal—As a follow up to the request that I contact mayors of Bethany Beach and Ocean View about our Assawoman Canal concerns for keeping it navigable, I have contacted both Tony McClenny and Gordon Wood. I have also sent an email to Gerald Hocker, Ron Gray, and Vance Phillips to ask for their assistance. Tony said he would be happy to meet with Ron and Gerald to discuss this.

- Noise—Mayor Tony McClenny asked the Sussex County Association of Towns to investigate the laws for mufflers on cars and motorcycles to see if they have changed and what we can do about complaints from our residents.
- SCAT has also requested that we re-submit letters to all legislators in Delaware to register our opposition to the legislation for unionization of municipal employees. The Town Manager is addressing this.
- Goals and Strategies Update—The Council accepted the current goals and strategies at the October workshop. The Council members are moving forward with defining and refining the 2014 objectives and assigning leadership, determining support and budget requirements and deadlines. This will be discussed at the November workshop in preparation for budget planning.
- **Town Manager's Report**—Melvin Cusick reported:

Ambulance Service: The October 2013 EMS Run Report and Third Quarter 2013 EMS Run Report were available on the sign-in table. Also, the Bethany Beach Volunteer Fire Company has changed their budget year to a calendar year as opposed to their budget year beginning October 1. The sponsors committee has reviewed the draft budget. There will be another meeting before the budget is adopted.

The Town Manager and the Maintenance Supervisor attended a hurricane recovery workshop sponsored by the Delaware Emergency Management Agency (DEMA) and Sussex County Emergency Operations Center. The workshop covered such things as debris management, damage assessment, and what to do if there are mass casualties. This was a follow up to a hurricane preparation course that the Town Manager and Maintenance Supervisor attended in May.

The Town received two grants, one from the Forestry Service for \$7,200 and one from the Soil Conservation Service for \$5,000 (to assist in matching the Forestry Service grant). The grants are for a project to get rid of the phragmites in the drainage ditch system that runs behind Town Hall and through Cat Hill. It will not be a great improvement, but the project will help somewhat to drain the water from this area. The cost to the Town is \$2,200. The remaining cost of the project will be covered by state and county money. Mayor Jankowski noted that a lot of the work in South Bethany is done by grants. Mayor Jankowski thanked the Town Manager for his work on getting the grants for this project.

- **Treasurer's Report**—Tony Caputo reported:

The Edmunds financial system is implemented. October was the first full month of processing things. The system is running smoothly and effectively. There is still work to do on some routine processes.

The FY 2015 budget process will start the first week in December. The Finance Director will be sending Council a description of the time frame for the budget process as well as an information packet.

Councilman Caputo will be working on a manual for budget and finance policies and procedures. It will include things such as budget control prep, what the Town books for fixed assets, the Town's capitalization process, and the Town's depreciation process. Councilman Caputo will be coordinating this with the Budget and Finance Committee.

Rental Tax Revenue – Rental tax is due to the Town the end of October. However, traditionally some people don't pay their rental tax until January or February after their personal income taxes are completed. Currently the Town is \$18,000 under what was projected for FY 2014. There are about 20 property owners who have paid rental tax in the

past who have not yet paid their FY 2014 rental tax. The Town expects a good portion of those property owners will be paying FY 2014 rental tax. However, Councilman Caputo is concerned that the Town will not meet budget regarding rental tax revenue. Council discussed the penalty for not paying rental tax by the end of October. Councilman Caputo stated that during the FY 2015 budget process he is going to direct some attention to penalties regarding property taxes and rental taxes and propose that the Town institute a higher penalty in order to encourage people to pay on time. Councilman Caputo stated that the Town has not looked at penalties in quite some time and it is time to reevaluate them. Councilman Caputo noted that the Town has only one property owner who has not paid their property taxes thus far. Councilman Caputo stated that the Finance Director has done a great job in regard to this – ultimately the Town gets its money.

A couple days prior to the meeting Councilman Caputo gave Council several finance reports produced from the new finance system (Edmunds). Councilman Caputo encouraged Council to review the reports and let him and the Finance Director know what they think of the reports and they will adjust accordingly.

- **Police Department Report/Questions**—M/Cpl. Lee Davis reported for the month of Oct., 2013:

- Overall for the month – A total of 17 complaints
- 12 of the 17 complaints were agency assists with the State Police, Bethany Beach Police, Fenwick Island Police, or Ocean View Police.
 - A complaint of a suspicious person on Layton Dr. which turned out to be nothing.
 - One verbal domestic. The police had to separate the two individuals and got a ride for one of the individuals.
 - Three false alarms.

To avoid theft from vehicles, M/Cpl. Davis reminded property owners of the following things: 1) Don't leave things of value out in your car that people can look in and see, 2) Lock your car, and 3) Don't leave your keys in the car.

To avoid burglaries, M/Cpl. Davis reminded property owners of the following things: 1) Leave your lights on dusk to dawn, 2) Alarms are helpful, 3) Lock your doors, and 4) If away, have a neighbor pick up newspapers and other items that are left on the front steps.

Mr. Matera inquired about the party in South Bethany that had been reported in the newspaper and on TV. M/Cpl. Davis stated that the South Bethany Police Department did not receive a loud party complaint or any complaint while the occupants were at the house. M/Cpl. Davis said that after the occupants had left, the Police Department did receive a complaint that damage to the house was discovered, and the investigation regarding that complaint is ongoing.

CONSIDERATION AND POSSIBLE VOTE ON RESOLUTION 8-13, A RESOLUTION RECOGNIZING MAY FELERSKI BY DEDICATING THE COUNCIL MEETING ROOM TO HER MEMORY

A motion was made by Councilman Junkin, seconded by Councilman Caputo, to accept Resolution 8-13, a resolution recognizing May Felerski by dedicating the Council meeting room to her memory. The motion was unanimously carried.

Mayor Jankowski noted that she is working with the Historical Society regarding the costs associated with the resolution in order to present a budget request in the FY 2015 budget.

In their meeting packets, Council had a draft copy of the wording for the plaque (preliminary) which Councilwoman Voveris had prepared.

COMMITTEE REPORTS

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

The Community Enhancement Committee held a meeting on Thursday, October 24, 2013, at the Town Hall meeting room from 10:00 am to 11:45 am.

CEC Member Comments

- It was suggested that the CEC sponsor a seminar or presentation, led by local landscaping experts such as Lord's or Nature Design Garden Center, to provide South Bethany homeowners with information on how to best landscape coastal homes.
- It was suggested that the FY 2015 Budget include proposed cost for thinning and maintaining the Richard Hall Memorial Park (RHMP).
- It was suggested that the logs be removed from the RHMP.
- It was suggested that the FY 2015 Budget include funds for removal of invasive species.

Update on Adopt Program

- The *Annual Adopt Program Fall Update* was completed and sent out to SB homeowners via an Email News Update on Friday, October 11, 2013, and was posted on the CEC website that same day.
- Canal Drive adoptions are complete and we now have a total of 22 adoptions.
- There are three potential adoptions for the spring.

Update on Phase 2 Street Sign Project – 33 New Street Signs along Route 1 East and West Sides

The street signs and vinyl post coverings for the east and west sides of Route 1 have arrived. Don will be working on this project in November and December.

Bio-Retention Areas Along the East Side of Route 1

Sue Barton, the landscape designer for the east side project, is almost finished the initial landscape design plans for the bio beds and the proposed landscaping will cost around \$30,000 – which includes both South Bethany and Middlesex Beach. SB is contributing a total of \$10,000 to this project funded at over \$100,000. The work will not begin until spring 2014.

Discussion of Proposed Idea – Ocean Drive Art – Painted Designs on Ocean Drive Planters

The CEC is continuing to explore the plan to have local artists paint coastal designs on wood boards that will be secured to the sides of the Ocean Drive planters. Artists will submit preliminary sketches to CEC for review and approval. The town will supply the wood to the artists who will then be able to prepare the artwork at their homes or studios. The artwork will then be sprayed with a lacquer or polyurethane finish to preserve the work. The artwork will be removed during the winter season. Local artists Tara Grim, Carolyn Marcello and Celeste Speer have volunteered to participate.

Ocean Drive Alternative Lighting Trial Test

In response to the Town Council recommendation, a draft letter has been prepared to be sent to Ocean Drive homeowners regarding the solar light test experiment along Ocean Drive seeking their input. The letter was reviewed at the CEC meeting and Sue Callaway is currently in the process of incorporating the group's suggestions. The group recommended that the letter include a response due date and that a two week window of return be given.

Proposed Announcement Boards in Town

The group reviewed www.globalindustrial.com website for purchasing new bulletin/message boards for Ocean Drive. The message boards are aluminum and larger than existing boards which have limited space. The boards will be attached to vinyl posts and will be placed at the north end of Ocean Drive and by the S. 3rd Street walkway. The FY 14 budget has funds set aside for this purchase. The group agreed that the message boards located at Town Hall and York Road do not need to be replaced at this time.

Discussion of Design Ideas for the “Welcome to South Bethany” Signs

The group initiated preliminary discussions about the potential design ideas and types of signs possible for the two “Welcome to South Bethany” signs. Don Chrobot is soliciting very preliminary estimates. The preliminary planning is for the FY15 budget – signs may not be created until the spring of 2015. The CEC wants to have adequate time for thought and planning as these signs will serve as signature pieces for the town. The group is soliciting ideas from sign experts to suggest possible designs and materials.

Looking Ahead

The group will meet on Friday, November 22, to help decorate Town Hall and on Wednesday, December 11, for the annual CEC Christmas meeting and luncheon.

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

The Budget and Finance Committee met on October 18 and discussed five primary topics: 1) Fund accounting and the new finance system (which included demos), 2) Budgetary controls and establishing Town guidelines (Councilman Caputo will work on this), 3) Reserves and how it would be in the Town's best interest to formalize guidelines with regards to establishing reserves for capital replacements (Councilman Caputo will work on this), 4) Fixed assets and establishing a clear set of policies and procedures regarding what is to be capitalized, how it should be depreciated, etc., (Councilman Caputo will work on this), and 5) Investments (Steve Farrow did a lot of work on this last fiscal year and he and Kent Stephan agreed to work on this).

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

Canal Water Quality Committee Status Report – November 8, 2013

- **Diffuser Pilot Project in the Petherton Canal**
I will be creating a report to document the monitoring that has been done relative to the Diffuser Project. This report will be ready for presentation at the November workshop and then delivery to DNREC in December.
- **Grant for Rain Gardens along the East Side of Route 1.**
Work is ongoing. Excavation and landscaping will be accomplished in the spring.
- **Oyster Gardens**
Everyone should have had their oysters taken care of by Friday (10/11/13). If your oysters have not been taken care of, please give me a call.
- **New Grant Opportunities**
 - The CIB has been awarded a grant from DNREC that would install some large oyster cages (10' X 2' X 2') in some of our canals along with floating wet lands at the end of some of our canals to help improve water quality in our canals. Bart Wilson is waiting for the contract to be signed.
 - The CIB has submitted a proposal to the EPA to create bioretention areas around the 14 storm drains in the Sandpiper Pines section of South Bethany. I will be attending a phone meeting with EPA and the CIB on this project on 11/20.

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

In Councilman Gross' absence, Charter and Code Committee Member Bob Cestone stated that the committee has a meeting scheduled for November 20. The ordinance to change Chapter 145, Zoning, will be presented to Council at the November 21 Town Council Workshop Meeting.

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

Leo Brady Exercise like the Eskimos Polar Swim (held in Bethany Beach on New Year's Day) – Councilwoman Callaway stated that so far 11 people have signed up for South Bethany's team. Councilwoman Callaway said that the Bethany-Fenwick Chamber of Commerce now has the website up for the polar swim. She will talk to Mike Tine about forming a South Bethany team on the Chamber's website in order for team members to join the team and pay the fee. Councilwoman Callaway will send out another email news update with specific information on how to register for the Polar Swim. Councilman Caputo stated that the Town needs to make a budget transfer regarding the team t-shirts. Mayor Jankowski pointed out that the October 11, 2013, Town Council Regular Meeting Minutes show that Council had no objections to spending \$560 for team t-shirts. Councilwoman Callaway stated that allocating money for the brunch was also discussed but was not in the meeting minutes. Councilman Caputo asked Councilman Rae and Councilwoman Callaway to send an email to the Finance Director regarding the costs.

Councilman Rae met with the Coastal Point and they are now accessing the Calendar of Events page on the Town's website for the Agenda column of the Coastal Point. Councilman Rae said that if this does not work the next step would be to prepare a monthly document with the information the Town wants in the Agenda column and send it to the Coastal Point. The Administrative Assistant said that the sooner the events are posted to the Town's Calendar of Events page the better chance the Town will have of the Coastal Point posting the event in their Agenda column because the Coastal Point has deadlines.

Councilman Rae suggested adding the Coastal Point and the Wave to the Town's Email Communications Program so that they receive the Town's news updates. Councilman Rae said if they are added to the Town's mailing list that is one more thing they might put in the paper. Councilman Rae said he would send the Administrative Assistant the correct email addresses to send the Town's news updates to.

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:

Sea Level Rise and Storm Surge Committee Status Report – November 8, 2013

- The Town of South Bethany has received the final elevation survey maps for the Town's roads, bulkheads and storm drains from the URS Corporation.
- The next Committee Meeting will be on November 19 at 1:30. The agenda for the meeting will focus on potential code changes required to adapt to SLR & SS.
- I have attended meetings with Jessica Watson, the Program Manager of the Sussex County Conservation District, and with Virgil Holmes and Scott Figurski, Program Managers for Delaware Wetlands and Subaqueous Section from DNREC. The meeting was to update them with what we are doing for SLR & SS and for what we are doing relative to Canal Water Quality.
- A public meeting is planned for South Bethany home owners in the spring time frame to present SLR & SS issues, results of the elevation survey discussed above and recommendations for Town Code changes that will address SLR & SS adaptation strategies.

AREAS OF INTEREST

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

Prior to the meeting, South Bethany property owner Tom Roche gave Councilman Rae information about some obstructions. Councilman Rae will send the information to the State.

Councilman Rae said there is nothing new to report on the trail. His general impression is things have slowed down a little bit.

Councilman Caputo asked if Councilman Rae anticipates that the Town will spend the \$5,000 that is budgeted for the trail. Councilman Rae said he does not anticipate that the Town will spend the \$5,000 in this year's budget. Councilman Caputo asked Councilman Rae to email the Finance Director regarding this.

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

Councilwoman Voveris put together a report for Council showing activities for the Board of Adjustment from January of 2010 to April 2013. There were eight appeals for variances – four were denied and four were approved (of the approved, two were pavers and the other ones had to do with something in the setback). Most of these were for area variances. Two were for disabilities and have to do with pavers.

Councilwoman Voveris stated that she found in her research that the Town does not have any formal or informal procedure or policy regarding monitoring useful life of variances. Councilwoman Voveris thinks a check and balance should be in place. She asked Council to consider the topic at an upcoming workshop. Councilwoman Voveris stated that one consideration would be to send out an annual form to any owner granted a variance to verify information supporting the continued need for the variance. Mayor Jankowski agreed that Council needed to discuss this topic at a workshop and she asked that it be put on the December 12 Town Council Workshop Agenda.

During the discussion, Bob Cestone stated that he believes a procedure is also needed regarding occupational permits that the Town issues.

PLANNING COMMISSION REPORT – Mayor Jankowski reported:

The Planning Commission met on November 7. The Town had received a couple of responses from property owners in regard to the Vision and Mission Statements. The Planning Commission made a revision and agreed to forward it to the Town Council.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to adjourn the November 8, 2013, Town Council Regular Meeting at 8:25 p.m. The motion was unanimously carried.