

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES NOVEMBER 9, 2012
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ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Pat Voveris, Sue Callaway, George Junkin, and Mark Damato; Lt. Linda O'Malley; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Town Manager Melvin Cusick

MEETING CALLED TO ORDER

Mayor Jankowski called the November 9, 2012, Town Council Regular Meeting to order at 7:04 p.m., followed by the Pledge of Allegiance to the Flag.

PROPERTY OWNERS' PARTICIPATION

- Barbara Jayne (1 S. 7th St.) – Publicly thanked Mayor Jankowski and the Administrative Assistant for the News Updates that were sent out during Hurricane Sandy. Ms. Jayne added that Mayor Jankowski stayed on top of it even though she was having problems in her own house. Ms. Jayne said she really appreciates that. Councilman Rae said that he had family members and neighbors that were very complimentary about the communications from the Town during the storm.
- Mary Suazo – 7 S. 3rd St. – Ms. Suazo echoed what Ms. Jayne and Councilman Rae said. She said the communications helped her while she was in Virginia during the storm worrying about damage to her home in Virginia and her home in South Bethany.
- Mary Suazo – South Bethany Historical Society President – The Historical Society met this morning and agreed that Hurricane Sandy is a part of history that the Historical Society will need to record for our grandchildren and great grandchildren. The Historical Society is asking people for pictures to share and stories to share in order to start recording it now. Councilwoman Callaway thinks this is a great idea and said that capturing storm stories from property owners who have been in South Bethany for many years is very interesting because they have a different perspective. Mayor Jankowski said to hear the Code Enforcement Constable talk, this was South Bethany's 100 year flood – for flood insurance purposes the town hit the 100 year flood mark.

Ms. Suazo said the four towns that are working together on the Smithsonian Exhibit (Fenwick Island, Bethany Beach, South Bethany, and Ocean View) met on November 8. The Ocean View people suggested including Millville in the exhibit. The Smithsonian Exhibit will show the history of work in the last 150 years nationwide. The local communities are planning two programs to go with the Smithsonian Exhibit to show how the history of work has changed locally over the years. Ms. Suazo stated that they need all the support they can get in order to make the exhibit first class.

LEADERSHIP REPORTS

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

Mayor Jankowski thanked everyone for being so cooperative during Hurricane Sandy. She gave credit to and thanked the Police Department and the Town Staff for their work and responsiveness during and after Hurricane Sandy. Mayor Jankowski felt it was important to get information out to property owners because she knew that if she weren't in town she would have been worrying about what was happening in South Bethany and you can't get

specific information about South Bethany from the news. Mayor Jankowski said she was glad the News Updates were helpful to the property owners.

"Meet the Mayor" Coffee, Saturday, November 10, 9 a.m. – Mayor Jankowski has invited Michael Gould, Director of Consumer Services for the Delaware Insurance Commissioner's Office, Jamie Turner, Director of DEMA, Ruth Campbell from Delaware Division of Social Services, and Jay Bryant from the National Flood Insurance Program to attend to give property owners information on flood insurance and FEMA. Property owners will also have an opportunity to ask questions. Mayor Jankowski has also opened the meeting up to Dewey Beach, Bethany Beach, Bayview Park, and Fenwick Island property owners. Mayor Jankowski stated that there is a lot of confusion regarding flood insurance and hopefully this meeting will provide clarification for property owners.

Mayor Jankowski and Councilwoman Callaway attended the November SCAT Dinner Meeting in Greenwood. A study on the economics of the area done by a gentleman at the University of Delaware was shared which showed that revenue from tourism on the Delaware coast (Sussex County) is comparable to revenue from the agricultural side for the whole state.

Mayor Jankowski and the Town Staff will be holding a "lessons learned" from Hurricane Sandy staff meeting on November 14 in order to update procedures and look at what could be improved.

- **Town Manager's Report**—In Melvin Cusick's absence, Mayor Jankowski reported:

The Code Enforcement Constable was ready to send out letters to people regarding tree branches hanging over the canals, but due to Hurricane Sandy he is going to wait until the spring to notify property owners.

- **Treasurer's Report**—Pat Voveris reported as of October 31, 2012:

MONTHLY:

Sept. Balance Brought Forward	\$ 2,132,397.32
Oct. Revenue	\$ 207,861.57
Oct. Disbursements	<u>\$ 158,796.93</u>
Balance	\$ 2,181,461.96

YEAR TO DATE PROFIT AND LOSS:

Total Revenue	\$ 1,822,466.00
Total Expenditures	<u>\$ 1,246,125.00</u>
Excess Revenue	\$ 576,341.00

OPERATING BUDGET RECAP:

- Revenue is at 84%.
- Expenses are at 59%.

HIGHLIGHTS ON REVENUE:

- Property Tax – The Town has 7 delinquent owners for an amount of \$3,537.21. This is inclusive of late fees, which the Finance Director makes certain the Town receives.
- Transfer Tax – This was a banner month. For October Transfer Tax came in at \$108,212.35 or 626% more than the same month last year. Councilwoman Voveris said

- this was an amazing number and she was very happy to see it. For the same 6 months of last budget (FY 2012) the Town is ahead by 65%. The Town budgeted \$225,000 for FY 2013 and has surpassed this number by 12% in just 6 months of the budget cycle. September FY 2013 numbers surpassed the same month in all of the last five years. Councilwoman Voveris looked back to the year 2007 and the highest amount the Town had received before was about \$71,000. She added that there were two big houses in Sandpiper Village, a house on Ocean Drive, and a number of houses in Cat Hill that sold. For the Town to receive this amount of Transfer Tax, about \$7 million in property was sold.
- Rental Revenue, as of today, is at \$ 509,698.66, or 102% of the budgeted amount. Compared to FY 2012, the Town has collected \$ 19,755 more this year than last year. Councilwoman Voveris said she had been concerned about rental revenue and this is great.
 - The Town has collected \$3,495 in Penalties/Fines where just \$500 was budgeted. This is primarily due to late fees for delinquent property taxes.
 - Parking Tickets are up from last month. The Town budgeted \$12,600 and is at \$10,937 or 86.8%.
- **Police Department Report/Questions**—Lt. Linda O'Malley reported for the month of Oct., 2012:
 - Oct. 3 Phone harassment threatening complaint from a resident on W. 11th St. Female was receiving threatening text messages and Facebook posts from an ex-boyfriend. Once the police arrived the victim did not desire any prosecution against her ex-boyfriend regarding harassment.
 - Oct. 6 Assisted Bethany Beach with a driving while intoxicated.
 - Oct. 6 Criminal trespass complaint on Elizabeth Way. Victim reported that an unknown suspect had gone into her vehicle but had not taken anything. The vehicle had been left unlocked.
 - Oct. 7 Assisted Fenwick Island with a driving while intoxicated.
 - Oct. 17 Officer Wiley assisted a Georgetown police detective with an interview regarding an alleged rape victim by interpreting for the Hispanic female victim.
 - Oct. 18 Verbal domestic incident on Brandywine Dr. The male party involved made suicidal statements and gestures and was eventually transported for evaluation.
 - Oct. 20 Officer stopped a vehicle on Rt. 1 for traffic violations and that person was found to have outstanding warrants and was transported to court.
 - Oct. 29 During Hurricane Sandy officers responded to an incident on Canal Drive where a dog was electrocuted when a property owner was going down into the garage to check on something. The dog probably saved someone's life when the dog ran out ahead and went into the water in the garage and was electrocuted. The police department stood by until the electric company came and turned the electric off and then they removed the dog.
 - Oct. 30 Responded on Black Gum Dr. to an underground transformer on fire. The fire department said that they don't do much with that, they just wait for it to burn out.

During the Hurricane Sandy there were eight false residential security alarms.

After the hurricane ended there were four reports for assistance of damaged residential propane tanks.

The Police Department has been organizing the lost and found trying to reunite people with their property after Hurricane Sandy. The program has been successful. Lt. O'Malley said some of the things in the lost and found were picnic tables, sheds, kayaks, recycling carts – a little bit of everything. Lt. O'Malley said property owners should contact the police department if they are missing property.

Mayor Jankowski inquired about the robocall some South Bethany property owners received from Millsboro regarding a man who was wanted for shooting someone. Officer O'Malley said she does not know why people in South Bethany were receiving the call. It may have been a phone system malfunction. Lt. O'Malley said it was a legitimate call and it was good information to have. As far as Lt. O'Malley knows, they still have not found the man.

Mayor Jankowski read the following correspondence from a South Bethany property owner: "Linda (Lt. O'Malley), Thanks for checking my oil tank at 107 Layton Dr. You took a load off my mind." Mayor Jankowski said that is an example of how it was during the whole storm – property owners knew things were happening and knew the Town's people were responding. People were very appreciative. Mayor Jankowski thanked Lt. O'Malley and the Police Department.

ORDINANCES/RESOLUTIONS

- **Third Reading of Ordinance 165-12, to Amend Chapter 42, Building Construction, to Correct a Typographical Error in § 42-6 "Issuance of Building Permit" by Changing the requirement "Insurance Certificate" to "Elevation Certificate" (Al Rae)**

There was a discussion on whether it would make sense for Council to table Ordinance 165-12 because Ordinance 167-12, which is having its first reading tonight, changes § 42-6 again. Councilman Rae said that since tonight's reading of Ordinance 167-12 will be the first reading, if Council tables Ordinance 165-12 it would be two more months before it would be incorporated. Councilman Rae added that Council is making the change in Ordinance 165-12 at the request of the Code Enforcement Constable. Councilman Gross said that he cannot vote for Ordinance 165-12 because it does not address the problems in Chapter 42, and this little change of wording (insurance certificate to elevation certificate) is practically insignificant in the whole scheme of things. Councilman Gross added that there is no need to make the change in order to enforce it because it is already in § 145-49C of the Code.

A motion was made by Councilman Gross, seconded by Councilman Junkin, that Council table this matter. After discussion, Mayor Jankowski called for a vote. The motion was defeated.

A motion was made by Councilwoman Voveris, seconded by Councilman Rae, to pass Ordinance 165-12. The voting was as follows:

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

AGAINST THE MOTION: None

ABSTAINED: Councilman Gross

The motion carried with a 6-0 vote.

Mayor Jankowski declared this the third reading of Ordinance 165-12.

- **Third Reading of Ordinance 166-12, to Amend Chapter 145, Zoning, Article XVII, Entitled "Administration, Enforcement and Penalties", to Correct a Typographical Error in § 145-68B "Building Permit" by Changing the Requirement "Insurance Certificate" to "Elevation Certificate" (Al Rae)**

A motion was made by Councilman Rae, seconded by Councilwoman Voveris, that Council approve Ordinance 166-12. After discussion, the voting was as follows:

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

AGAINST THE MOTION: None

ABSTAINED: Councilman Gross

The motion carried with a 6-0 vote.

- **First Reading of Ordinance 167-12, to Amend Chapter 42, Building Construction, to Revise and Clarify § 42-1 through § 42-14.2 and to Add § 42-14.3 (Jim Gross)**

Councilman Gross said that this is an effort on the part of the Charter and Code Committee to straighten out a lot of problems in both the Building Chapter and the Zoning Chapter. He believes this is a major step in cleaning up the Town Code in respect to building and zoning.

Council agreed to the following changes:

§ 42-10B. *Prior to occupancy or use and upon payment of all applicable fees owed to the Town, the Code Enforcement Constable or Town Manager shall sign and issue the Certificate of Compliance/Occupancy. If the certificate is denied, the recipient shall be notified in writing that the denial may be appealed to the Board of Adjustment for within a period of 30 days under Paragraph 145-58-A.*

§ 42-10B *Change "the certificate" to "the Certificate" in the second sentence.*

§ 42-10C *Change "the certificate" to "the Certificate" in the first and third sentences.*

§ 42-14.1C. Any excess materials, mud, etc., ***or other debris*** that is tracked on the roads, ~~including the first three days~~, shall be removed ***daily***.

§ 42-14.3D. *It shall be the responsibility of the contractor and/or property owner or his agent to inform delivery companies of these restrictions. The contractor and/or the property owner or his agent shall be subject to the penalties for violations by delivery companies.*

Mayor Jankowski declared this the first reading of Ordinance 167-12.

COMMITTEE REPORTS

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

There was nothing new to report.

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

The Community Enhancement Committee met on October 24.

The tree planting is done. The trees did survive the storm, but the spring will tell.

Council approved the Ocean Drive test lighting project at the October 25 Town Council Workshop Meeting. The Town has submitted the application to Delmarva Power.

The Adopt-a- Canal End Committee has done a complete review of all the un-adopted canals in the town and has prioritized them. The committee has drafted a letter to reach out to nearby property owners of the highest prioritized canals to see if they are interested in adopting a canal end.

The committee talked about updating the Town bulletin boards and agreed to only focus on the two bulletin boards on Ocean Drive.

The committee looked at the two highly visible large canal ends on York Road that need improvement and learned that one is owned by two property owners and one is owned by the Town. The committee agreed that since the town-owned canal end is adjacent to vacant lots and would be a challenging adoption, the Town should include landscaping of this canal end in the FY 2014 Budget and commit to its maintenance.

The committee talked about new Christmas lighting. The Maintenance Supervisor and Councilwoman Callaway agreed to go shopping the week of October 28. However, with Hurricane Sandy that was postponed.

The committee talked about getting information from the postmaster about mailboxes that are located along Rt. 1 and some of the other ones scattered throughout town and see if there are any other options for the placement of mailboxes.

The committee has a volunteer that is willing to redesign and purchase a new Town Hall sign for the sign that is on Russell Road. The committee looked at that design.

The next meeting will be Wednesday, December 12, which will be a combination meeting and holiday brunch.

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

The Budget and Finance Committee met on October 19.

The committee reviewed budget activity for the last 5 months.

The committee looked at some budget recommendations. Councilwoman Voveris took those recommendations to Council at the October 25 Town Council Workshop Meeting.

Committee member Joe Conway presented an excellent financial presentation on what would happen if there was a catastrophic event in South Bethany. The presentation is going to be shown and reviewed at the December 13 Town Council Workshop Meeting.

The committee is working on additional things to put in the draft budget to make it as informational as possible. Committee member Tony Caputo is bringing in some interesting ideas on this.

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

The Canal Water Quality Committee met on October 26.

Ralph Romeo presented a six stage proposal to construct a gravity flow system to exchange canal water with the ocean tides. This is another name for a tidal pump. The presentation showed a very detailed approach, and the committee spent about an hour discussing it. The committee did not agree with the various stages in the survey. The committee did agree that the tidal pump is probably the most effective way to clean up the water in the canals, however it costs \$7 million. The committee members decided they could not recommend to the Town Council to go forward with Mr. Romeo's proposal. Councilman Junkin met with Jack Whitney and he agreed to look at what might be a reasonable approach regarding the tidal pump. (Administrative Assistant's Note: During Councilman Junkin's report, Council and attendees had a discussion about how the tidal pump works and what it can do.)

Canal Water Quality Monitoring – A lot of people are involved in this program. Regarding water quality, near the dead end of the canals the water quality is not as good as it is closer to "Snap Gut".

Oyster Gardening – Allan Allenspach reported that there are about 20 new people that have signed up and there are about 80 to 100 oyster gardeners in the area (this may include Fenwick Island).

Diffuser Pilot Project – Envirotech is in the process of determining if a permit is needed from DNREC and from the U.S. Army Corps of Engineers. DNREC is going to discuss it Tuesday at the Wetlands and Subaqueous Lands Section and they are going to try and decide if a permit is needed or not.

CIB Proposal for East Side Bio-Retention Areas – The CIB expects to hear if it has been awarded in December.

Inspection/Recommendations/Documentation West Side Storm Drains – Councilman Junkin, Dave Wilson, and Frank McNeice inspected all of the 106 storm drains that are in South Bethany right-of-ways. They documented the drains with pictures and a description of what they look like and made recommendations on how the drains might be improved from a water quality point of view. They recommended putting stand pipes at the inlet to the canal pipe and perforating the bottoms of some of the catch basins to delay when the water actually goes from a drain field into the canal. They talked about putting check valves on some of the pipes to stop canal water from back-flowing into the streets. Councilman Junkin said the drains are doing fine from a stormwater management point of view.

Homeowner Education Program – The committee discussed sending out the flyers regarding outside showers and rainspouts, impervious surfaces, and turf lawns to property owners.

Volunteers for Cleaner Canals Program – Jack Whitney has volunteers who will be responsible for picking up trash in canals. Diann Nazarian asked if the volunteers could also pick up pine needles in the west street canals. That is harder to do compared to trash, but the committee said they should look into the pine needle issue because the Russell Canal has bad dissolved oxygen readings and the Entrix report says it is flushed pretty good by the tides. The thought is that probably the pine needles are causing the problem.

The committee talked about its FY 2014 budget requests.

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

The Planning Commission had scheduled a meeting for October 29; however it was cancelled for various reasons, one being that Council had not yet appointed the new members and there are sitting members that need to be either replaced or reappointed. Kent Stephen, the newest member, has resigned so the Planning Commission has one open position. Councilman Gross also mentioned that the Board of Adjustment has one opening. Anyone interested in serving on the Planning Commission or the Board of Adjustment should give their resume to Mayor Jankowski so Council can consider those appointments. Once the Planning Commission appointments are made, the Planning Commission will have an organizational meeting. There are no hearings scheduled.

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

Councilman Rae had nothing more to report than what had already been discussed earlier in the meeting. Charter and Code Committee member Bob Cestone said John Fields is working on a draft on the solid waste ordinance request.

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

The Communications and Public Relations Committee met on October 13.

The committee reviewed the town brochure, movie night, real estate agent meet and greet, and town float.

Separately Councilwoman Callaway and Councilman Damato met with the owners of the York Beach Mall and sought their input and participation to work with the committee on different initiatives.

The committee is looking at early February for the real estate agent meet and greet.

Regarding the town brochure, the committee has pricing and they hope to have a brochure in the next month. Councilman Damato may have a product for Council to review at the December Workshop meeting.

ADJOURNMENT

Before adjourning Mayor Jankowski thanked Councilwoman Callaway for stepping in at the October Regular Meeting when Mayor Jankowski was away on vacation.

A motion was made by Councilman Gross, seconded by Councilwoman Voveris, to adjourn the November 9, 2012, Town Council Regular Meeting at 8:25 p.m. The motion was unanimously carried.