

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
JULY 26, 2018**

MEETING CALLED TO ORDER

Mayor Saxton called the July 26, 2018, Town Council Workshop Meeting to order at 3:00 p.m.

ATTENDANCE

PRESENT: Councilmembers Sue Callaway, Jimmy Oliver, Carol Stevenson, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilmembers Don Boteler and Wayne Schrader

DISCUSSION AND POSSIBLE VOTE TO ADOPT RESOLUTION NO. 5-18, A RESOLUTION IN RECOGNITION OF DON CHROBOT

A motion was made by Councilmember Callaway, seconded by Councilmember Stevenson, to adopt Resolution No. 5-18, a Resolution in Recognition of Don Chrobot. The motion was unanimously carried.

PRESENTATION OF RESOLUTION NO. 5-18

Mayor Saxton read and presented Resolution No. 5-18 to Don Chrobot who is retiring August 1:

A RESOLUTION IN RECOGNITION OF DON CHROBOT

WHEREAS, Don Chrobot has devoted 13 years of service as a valued employee in the Town of South Bethany; and

WHEREAS, Don has assisted town committees on projects including the Route 1 bio-retention areas, stormwater rain gardens, floating wetlands, diffusors, drainage, the Adopt-a-Canal/Road-End Program, Earth Day canal/road-end landscaping improvements, Ocean Dr. solar lighting, construction of new trash bins and planters on beach walkways, Ocean Drive art on walkway planters, "The Promenade" street signs and other new street signs throughout town, the Little Free Libraries, the "Trail of South Bethany History", installation of the Adult Fitness Area, holiday decorations, beach movie nights and July 4 parade floats; and

WHEREAS, Don has assisted the Town Manager with projects including capital improvements, street improvements/repairs, installing and repairing drains, storm preparations, storm cleanup, storm repairs, landscaping, and maintenance of Town Hall and Police Department buildings; and

WHEREAS, Don has been the leader of snow removal projects working day and night to clear South Bethany streets for emergency vehicles and residential traffic; and

WHEREAS, Don has worked steadily preparing for the summer seasons on the placement of Mobi-mats, waste containers, signage, lifeguard shack and stands, beach cleaning, and maintenance of beach access ramps, walkways, sand fence, and canals; and

WHEREAS, Don has worked professionally and skillfully on all of the aforementioned projects; and

WHEREAS, Don has always interacted with property owners, town volunteers, co-workers, and councilmembers respectfully and with a positive uplifting demeanor;

NOW, THEREFORE, LET IT BE RESOLVED, by the Mayor and Council of the Town of South Bethany that Don Chrobot should be commended for his faithful service and offered sincere thanks for his contribution to the Town of South Bethany.

**ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SOUTH BETHANY
ON THE 26TH DAY OF JULY 2018.**

Everyone acknowledged Don Chrobot's service with applause.

ADOPTION OF MINUTES – JULY 13, 2018, TOWN COUNCIL REGULAR MEETING

Councilmember Callaway asked if there was follow up regarding how construction trucks are parking on S. Anchorage Dr. and Bayshore Dr. The Town Manager said the Code Enforcement Constable did follow up.

A motion was made by Councilmember Callaway, seconded by Councilmember Stevenson, to accept the July 13, 2018, Town Council Regular Meeting Minutes as amended as follows:

Page 2, Next to last paragraph: Change "Schmidt" to "Schmitt".

The motion was unanimously carried.

UPDATE ON CANAL WATER CLEANING NEEDS INCLUDING RECENT WIDGEON GRASS PROLIFERATION

Councilmember Weisgerber reported that on July 18 representatives from DNREC (including a representative responsible for the Macroalgae Harvesting Program) and the Center for the Inland Bays (CIB) brought a flatboat and went into the southern canals of South Bethany where the Widgeon Grass is a problem. They finally came to an agreement with the Town that the dead Widgeon Grass on the surface can be removed. DNREC is going to send their harvester to South Bethany July 30 to remove the dead Widgeon Grass that is laying on the surface in the middle of the canals. The harvester will not go near the bulkheads where it is shallower because they are concerned the Widgeon Grass will damage the mechanical device. Councilmember Weisgerber asked DNREC if the Town would need a permit to remove the remaining dead Widgeon Grass on the surface. DNREC said no permit would be needed, and the Town is free to remove anything dead in the canals. Councilmember Weisgerber then asked the Town's Public Works Department if they could remove the dead Widgeon Grass. Public Works said it is out of their capabilities – it weighs too much, there is too much volume, and it would have to be removed from the water side. Councilmember Weisgerber said another issue is that South Bethany is a water town and the Town does not own a boat. The Town reached out to Envirotech out of Lewes to inquire about hiring them to remove the dead Widgeon Grass. Councilmember Weisgerber will be meeting with Envirotech on July 27.

Councilmember Weisgerber said he believes the Town has three key things that need to be managed in South Bethany: 1) the roads, 2) the beach, and 3) the canal waterways. Councilmember Weisgerber said the Town does a good job managing the beach and the roads, but the Town does not do anything for its waterways. He believes that needs to be addressed.

Councilmember Weisgerber made the following points:

- The Town needs DNREC to service South Bethany with their harvester if the Town were to get something massive like an algae bloom. DNREC's service is free and they have the capability of hauling the product away in dump trucks.
- The Town is going to have to do maintenance on the floating wetlands which should be done from the water.
- The dead-end canals are collection points for pine needles, branches, grass, bottles, etc. The Town needs some way to clean up the dead-end canals.
- Council needs to think about giving the Public Works department the equipment necessary to maintain the canals.

Councilmember Weisgerber said the Town should seriously consider equipping the Public Works Department with equipment to deal with the water situation. Councilmember Weisgerber provided Council with information regarding a fiberglass, Kevlar "Weedoo" T-1305 harvester.

Mayor Saxton inquired about the cost of the harvester. Councilmember Weisgerber said the cost would be around \$75,000 with the ramp, the trailer, two motors and a solar panel to charge it. It

is electric (it would need to be explored how reliable the power is). Councilmember Weisgerber stated that it can also be used as a boat. It is lightweight and easy to maneuver and move around in the canals. It could be used to remove dead animals from the canals. Councilmember Weisgerber said they are sold all over the place and it would be easy to get references from people who have used them. He noted that there are other models/brands as well. Councilmember Weisgerber would like to work with the Town Manager and Public Works to come up with the best solution for the Town to start addressing the canals.

Councilmember Weisgerber said he has had numerous property owners ask him how South Bethany's canals got identified as watersheds. Councilmember Weisgerber discussed this with DNREC. DNREC is the keeper of Delaware's watersheds – any water that connects to and either extracts or sends water into the main watershed is an extension of the watershed and therefore DNREC has jurisdiction to make sure you are not polluting the main watershed from your source. If the Town does not follow DNREC's guidelines on protecting the canals, then the Town will not be considered good stewards which could affect grant applications from the Town. DNREC also controls permits.

Councilmember Callaway suggested that the purchase of the harvester could fall into a potential grant category. She added that if the Town were to purchase the harvester, a commitment would be needed from Public Works to take on harvesting algae blooms (before it is prolific) and picking up trash and other things from the canals. Councilmember Weisgerber said Council would have to work with the Town Manager on how much of a budget increase would be required. Mayor Saxton stated that he believes this would fall under long-range planning.

Councilmember Weisgerber said he will present something to Council in the fall after the Woods Hole Group study is complete.

Mayor Saxton said it is a good idea to continue to look into this and get some numbers to the Finance Director.

REVIEW OF INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

During discussion Council expressed their concern of "overreach" regarding adopting the IPMC.

Councilmember Callaway said she is not clear on how the IPMC would make a property owner respond to maintaining their property any better than the current Town Code does. The Town Manager said that with the IPMC the Town would have an enforcement procedure to go through. Currently the Town sends letters to the property owners and often times the property owners ignore the letters. By adopting the IPMC the Town would be able to go to magistrate regarding property maintenance after going through the proper process.

Mayor Saxton questioned if adopting the IPMC is the answer. Mayor Saxton suggested that adopting the right set of procedures within the Town Code that will give the Code Enforcement Constable the ability to enforce the code could be the solution.

Council and the Town Manager agreed that the fine structure needs to be looked at as well.

Using trees that are overhanging the canals as an example, Councilmember Callaway suggested that if the property owner will not trim the tree back after notification from the Town, then the Town will arrange to cut them back and charge the property owner. If the property owner does not pay the fee, then it becomes a lean on their property. Councilmember Stevenson said a penalty/fine should also be charged. Councilmember Callaway agreed.

Councilmember Oliver thinks adopting the IPMC as part of the Town Code will create unintended consequences that are not yet known. Councilmember Callaway agreed.

Mayor Saxton said he would like Council to send this to the Charter and Code Committee to come back with a recommendation to Council on how to get the correct things out of the IPMC into the Town Code that satisfies the Code Enforcement Constable's needs. Mayor Saxton added that the Code Enforcement Constable has to be part of the discussion with the other Charter and Code Committee members.

Councilmember Weisgerber suggested no grandfathering.

Councilmember Stevenson said the attorney needs to be involved to make sure that it is something that will hold up in court.

DISCUSSION AND POSSIBLE VOTE TO TASK THE CHARTER AND CODE COMMITTEE TO WORK ON AN ORDINANCE TO INCORPORATE THE IPMC INTO THE TOWN CODE

A motion was made by Councilmember Oliver, seconded by Councilmember Callaway, to task the Charter and Code Committee to make recommendations to Council regarding maintenance enforcement, IPMC, and the Town Code. The motion was unanimously carried.

Mayor Saxton requested that Councilmember Oliver make sure the Code Enforcement Constable is at the first Charter and Code Committee Meeting that this subject is on the agenda.

DISCUSSION AND POSSIBLE VOTE ON CHANGES TO THE TOWN OF SOUTH BETHANY RULES OF PROCEDURE (TIM SAXTON)

Mayor Saxton stated that per the Rules of Procedure the Mayor is supposed to announce the reason for a Councilmember's absence or remote access. He added that there is nothing in the Town Charter and Code that states this has to be done. Mayor Saxton suggested deleting this requirement from the Rules of Procedure. Mayor Saxton said sometimes the absence is for personal reasons and he does not want to announce somebody's personal business. Councilmember Callaway and Councilmember Stevenson agreed.

A motion was made by Councilmember Callaway, seconded by Councilmember Oliver, to change the Town of South Bethany Rules of Procedure by amending the Protocol Governing Absences from and Remote Access to Town Council Meetings as follows (additions are **highlighted** and deletions **marked through**):

- ❖ At the meeting, the Mayor shall announce the absence or remote access. ~~and the reason~~. The Mayor shall determine if the absence or remote access is excused or unexcused.

The motion was unanimously carried.

MOTION TO CHANGE THE SEQUENCE OF AGENDA ITEMS

Mayor Saxton asked for an adjustment to the agenda to move Public Comment Period to the next agenda item.

A motion was made by Councilmember Weisgerber, seconded by Councilmember Callaway, to move the Public Comment Period (Item 14) up to Item 10. The motion was unanimously carried.

PUBLIC COMMENT PERIOD

There were no comments from the public.

MOTION TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A PERSONNEL MATTER IN WHICH THE NAMES, COMPETENCIES, AND ABILITIES OF INDIVIDUAL EMPLOYEES WILL BE DISCUSSED. 29 DEL. C. SEC. 10004(B)(9)

At 4 p.m. a motion was made by Councilmember Callaway, seconded by Councilmember Oliver, to go into Executive Session for the purpose of discussing a personnel matter in which the names, competencies, and abilities of individual employees will be discussed. 29 Del. C. sec. 10004(b)(9). The motion was unanimously carried.

EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A PERSONNEL MATTER IN WHICH THE NAMES, COMPETENCIES, AND ABILITIES OF INDIVIDUAL EMPLOYEES WILL BE DISCUSSED. 29 DEL. C. SEC. 10004(B)(9)

At 4 p.m. Council went into Executive Session for the purpose of discussing a personnel matter in which the names, competencies, and abilities of individual employees will be discussed. 29 Del. C. sec. 10004(b)(9).

MOTION TO RECONVENE THE TOWN COUNCIL WORKSHOP MEETING

At 5:10 p.m. a motion was made by Councilmember Callaway, seconded by Councilmember Weisgerber, to reconvene the Town Council Workshop Meeting. The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON MATTER DISCUSSED IN EXECUTIVE SESSION INVOLVING A PERSONNEL MATTER IN WHICH THE NAMES, COMPETENCY, AND ABILITIES OF INDIVIDUAL EMPLOYEES WERE DISCUSSED

There was no discussion and no vote.

ADJOURNMENT

A motion was made by Councilmember Stevenson, seconded by Councilmember Oliver, to adjourn the July 26, 2018, Town Council Workshop Meeting at 5:13 p.m. The motion was unanimously carried.