

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
JUNE 28, 2018**

MEETING CALLED TO ORDER

Mayor Saxton called the June 28, 2018, Town Council Workshop Meeting to order at 3:00 p.m.

ATTENDANCE

PRESENT: Councilmembers Don Boteler, Sue Callaway, Jimmy Oliver, Frank Weisgerber, and Mayor Tim Saxton; Chief Troy Crowson; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilmembers Carol Stevenson and Wayne Schrader

SWEARING IN NEW COUNCIL MEMBER JIMMY OLIVER

Town Clerk Janet Powell swore in new Councilmember Jimmy Oliver.

ADOPTION OF MINUTES – JUNE 11, 2018, TOWN COUNCIL REGULAR MEETING

A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to accept the June 11, 2018, Town Council Regular Meeting Minutes. The motion was unanimously carried.

DISCUSSION ON THE FORMATION OF THE BEACH ACCESS IMPROVEMENT AD HOC COMMITTEE (TIM SAXTON)

Mayor Saxton said the purpose of the ad hoc committee will be to develop a plan and costs. Depending on the costs, it could be a long-term plan.

Mayor Saxton stated that Councilmember Oliver has agreed to chair the ad hoc committee and Planning Commission Member Joe Conway has agreed to be a member of the ad hoc committee. Noting that Town committees must have at least three voting members, Council agreed that Councilmember Oliver will bring forth suggestions for other committee members. Council will vote to appoint committee members for the Beach Access Improvement Ad Hoc Committee at the July 13, 2018, Town Council Regular Meeting.

DISCUSSION OF REVISIONS TO THE TOWN CODE (JOE HINKS)

Code Enforcement Constable Joe Hinks proposed that the Town adopt the International Property Maintenance Code (IPMC) to supplement and bolster the Town Code. If the IPMC is adopted, the Town would need to decide on what the violation fines would be.

Per the IPMC Manual, the IPMC is "a model code that regulates the minimum maintenance requirements for existing buildings. The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community." The Code Enforcement Constable stated that the IPMC is laid out concisely, is used throughout the entire country (including Kent County and the City of Rehoboth) in different versions, and it has been vetted in court. The Code Enforcement Constable stated that the Town Code and the IPMC would run side by side with the stricter code prevailing. He added that the IPMC allows the introduction of the other model codes from International Codes (I-Codes) such as the International Fire Code, International Mechanical Code, and International Building Code.

The Code Enforcement Constable stated that adoption of the IPMC would help him with issues such as: 1) Grading and drainage (Section 302.2) that address the grading of property to stop accumulation of water, 2) Complaints regarding commercial dumpsters that smell, 3) Unsafe stairs in need of repair, 4) Repairs to exterior walls, 5) Smoke detector issues, 6) Termite infestation, 7) Mold, and 8) Overoccupancy of a structure.

The Code Enforcement Constable stated that Sussex County primarily inspects new construction, not existing construction. The Code Enforcement Constable noted that Sussex County has a structural stability exemption form that the owner may sign which exempts the owner from existing construction inspections. The county requires a permit but there is no inspection.

Councilmember Callaway asked if the rental agencies had any responsibility for these issues. The Code Enforcement Constable said they should, but it is difficult if it is not a code violation. Councilmember Callaway asked if the rental license could be taken away if there is a perpetual problem where a property owner doesn't comply. The Code Enforcement Constable said the Town could if there were strong enough language in the Town Code. Councilmember Callaway suggested putting stronger language in the Application for Rental License or Non-Rental Declaration Form to support taking away a rental license for perpetual problems. Mayor Saxton stated that he believes in the end there would have to be a Town Code change.

Councilmember Boteler expressed concern about the enforcement becoming too intrusive or not having sensitivity where it is a subjective judgment call – such as the home owner thinks it is safe enough and the Code Enforcement Constable does not think it is safe enough. Councilmember Callaway expressed the same concerns. Councilmember Weisgerber referred to §§ 50-9.1, 104-19, and 114-7 of the Town Code which provide for a property owner's right to appeal violations from the Code Enforcement Constable to the Town Manager and if not satisfied with the decision of the Town Manager the property owner's right to file an appeal with the Town Hearing Board (which consists of three members of the Town Council appointed by the Mayor) within 10 business days of the decision of the Town Manager.

The Code Enforcement Constable stated that the inspector cannot be targeting an individual – there has to be a clear violation. It has to be detrimental to health and safety. The Code Enforcement Constable added that South Bethany does not have an epidemic of dilapidated homes – there are only a few difficult cases that are creating a problem. He would utilize the IPMC as a tool to get compliance.

Regarding violation fines, Mayor Saxton suggested that the Budget and Finance Committee could look at the Town's Schedule of Fees as they usually do about every two years.

After discussion, Council agreed to take time to peruse the IPMC document and discuss it again at the next Town Council Workshop Meeting.

DISCUSSION AND POSSIBLE VOTE TO APPROVE ADVERTISEMENT TO HIRE A PUBLIC WORKS SUPERVISOR (TIM SAXTON)

Mayor Saxton noted that Public Works Supervisor Don Chrobot is retiring August 1, 2018. Mayor Saxton stated that the Town Manager is doing an assessment of the Public Works Department which could change the Job Description.

A motion was made by Councilmember Callaway, seconded by Councilmember Boteler, to approve and move forward with hiring a Public Works Supervisor. The motion was unanimously carried.

UPDATE ON ACTIVITIES PROPOSED BY ACT (ASSOCIATION OF COASTAL TOWNS) COMMITTEE

Mayor Saxton stated that the Town Council received Tony Pratt's bio at the May 24 Town Council Workshop Meeting (bio is posted on the Town Council Meeting Agenda and Minutes page of the Town website as an attachment to the May 11, 2018, Town Council Regular Meeting Minutes).

Mayor Saxton stated that before signing a contract with Mr. Pratt to represent the Association of Coastal Towns (ACT) at the state and federal level, ACT agreed that it has to have a Charter first. ACT is currently working on writing its Charter.

Mayor Saxton believes that if the Town of South Bethany agrees to ACT signing a contract with Mr. Pratt, the Town will get some support from Mr. Pratt in trying to find grants and other things if the Town asks for it. Mr. Pratt will meet with the Town about what the Town's needs and desires are, but the main goal is for him to represent ACT, its waterways and natural resources at the state level and the federal level. Mayor Saxton stated that the cost for a one-year contract with Mr. Pratt would be \$3,500 per town. Other ACT towns have agreed to try it for a year. Mayor Saxton said if Mr. Pratt was able to find the Town a grant that the Town wanted, it would be \$3,500 well spent.

Mayor Saxton said Council will take a vote on this at the July 13, 2018, Town Council Regular Meeting. Mayor Saxton has told ACT that he would get back to them at the July 26 ACT Meeting.

RESOLUTIONS – DISCUSSION AND POSSIBLE VOTE ON THE FOLLOWING:

- **Resolution 3-18, A Resolution to Recognize Pat Voveris**
- **Resolution 4-18, A Resolution to Recognize Tim Shaw**

A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to adopt Resolution 3-18, A Resolution to Recognize Pat Voveris, and Resolution 4-18, A Resolution to Recognize Tim Shaw. The motion was unanimously carried.

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)

A motion was made by Councilmember Oliver, seconded by Councilmember Callaway, 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. 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)

Council went into Executive Session at 3:55 p.m. for the purpose of discussing a personnel matter in which the names, competencies, and abilities of individual employees will be discussed. 29 DEL. C. §10004(B)(9)

MOTION TO RECONVENE THE TOWN COUNCIL WORKSHOP MEETING

At 5:13 p.m. a motion was made by Councilmember Boteler, seconded by Councilmember Callaway, 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

Council did not vote on matter discussed in Executive Session.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADJOURNMENT

A motion was made by Councilmember Callaway, seconded by Councilmember Oliver, to adjourn the June 28, 2018, Town Council Workshop Meeting at 5:15 p.m. The motion was unanimously carried.

phs:2018 6 28 Workshop Minutes Approved 7 13 18