

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
NOVEMBER 17, 2017**

MEETING CALLED TO ORDER

Mayor Voveris called the November 17, 2017, Town Council Regular Meeting to order at 2:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Councilmembers Don Boteler, Sue Callaway, Tim Saxton, Tim Shaw, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Maureen Hartman; Chief Troy Crowson; and Administrative Assistant Pam Smith

LEADERSHIP REPORTS

- **Mayor's Report**—Submitted by Mayor Voveris:

Since my last report Governor Carney has certified our 10 Year Comprehensive Plan, which is attached. This Plan was a collaborative effort of our Planning Commission and the Town Council and sets our course for the next decade. Thanks to all for their hard work and attention to these important details.

The Ambulance Oversight Committee (Bethany, South Bethany, Fenwick, Sea Colony) will meet again in November to finalize budget details for 2018. There is no plan to raise our annual fee for 2018. The purchase of a new ambulance will be revisited in light of the CPSM review and recommendations for towns of our size.

The A.C.T. (Association of Coastal Towns) is garnering attention of our legislators to address dredging of our waterways from Lewes to Fenwick. During the November meeting there will be representation from the offices of Senators Carper and Coons and Congresswoman Rochester, DNREC, and the Sussex County Council. (See Attached)

Mayor Voveris reported that Tony Pratt is retiring from DNREC in April after 38 years of service.

The Army Corps has responded to our letter sent in regard to sand fence and grass planting once beach replenishment takes place. (Attached)

The CPSM report has been delivered through our attorney's office and Council will be considering recommendations they have put forth in regard to our policies and operation under our attorney's guidance.

Thank you.

(See attachments on Pages 2 – 4.)



STATE OF DELAWARE
OFFICE OF THE GOVERNOR
TATNALL BUILDING, SECOND FLOOR
MARTIN LUTHER KING, JR. BOULEVARD SOUTH
DOVER, DELAWARE 19901

JOHN CARNEY
GOVERNOR

PHONE: 302-744-4101
FAX: 302-739-2775

November 3, 2017

The Honorable Pat Voveris
Mayor, Town of South Bethany
402 Evergreen Road
South Bethany, DE 19930

RE: Certification of 2016 South Bethany Comprehensive Plan

Dear Mayor Voveris:

I am pleased to inform you that as of July 27, 2017, per the recommendation of the Office of State Planning Coordination, the comprehensive plan for the Town of South Bethany is hereby certified provided no major changes to the plan are enacted. The certification signifies that the comprehensive plan complies with the requirements of Title 22, Section 702 of the Delaware Code.

I would like to thank the Town for working with the State to incorporate our comments before adoption. We look forward to working with you as you implement your plan.

Once again, congratulations on your certification.

Sincerely,

A handwritten signature in cursive script that reads "John C. Carney".

John C. Carney
Governor
State of Delaware



TOWN OF SOUTH BETHANY

402 Evergreen Road
South Bethany, DE 19930

PH: (302) 539-3653
FAX: (302) 539-7576
E-Mail: townhall@southbethany.org

October 31, 2017

The Honorable Tom Carper
United States Senate
12 The Circle
Georgetown, DE 19947

The Honorable Chris Coons
United States Senate
1105 N. Market St., Suite 100
Wilmington, DE 19801

The Honorable Lisa Blunt Rochester
United States House of Representatives
1105 N. Market St., Suite 400
Wilmington, DE 19801

Dear Senator Carper, Senator Coons, and Representative Rochester:

On behalf of all the Mayors from Lewes to the Fenwick Island coastline that participate in A.C.T. (Association of Coastal Towns), I am sending our sincere wishes of appreciation and thanks for your efforts and dedication in service.

Our current initiative is to garner support and recognition of the need to dredge our recreational waterways. Delaware's waterways are an economically important part of the state's transportation system that support over 60,000 registered boaters. Economic indicators include Delaware's ranking in the top 10 states nationally for expenditures on boating supplies, more than 250,000 fishing trips taken annually in the Inland Bays Watershed, more than 50 marinas on Indian River and Rehoboth Bays, and dozens of waterfront restaurants serving boaters.

The Army Corps of Engineers does not have the ability to maintain and preserve our waterways, and we must address finding the ability and funding to do so before our situation worsens further and we lose accessibility and navigability.

We will be conducting a meeting of A.C.T. at the Lewes Town Hall at 10:00 am on Friday, November 17. We ask your consideration to attend our meeting or send a representative on your behalf to engage in a productive dialogue that can help chart a course to pursue this most important initiative to our towns and the state.

Thank you for your response.

Sincerely,

Pat Voveris, Mayor
Town of South Bethany

Ted Becker, Mayor
City of Lewes

David Lyons, Mayor
Town of Henlopen Acres

Paul Kuhns, Mayor
City of Rehoboth Beach

TJ Redefer, Mayor
Town of Dewey Beach

Jack Gordon, Mayor
Town of Bethany Beach

Gene Langan, Mayor
Town of Fenwick Island



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3390

OCT 17 2017

Ms. Pat Voveris, Mayor
Town of South Bethany
Office of the Mayor
402 Evergreen Road
South Bethany, DE 19930

Mr. Gene Langan, Mayor
Town of Fenwick Island
Office of the Mayor
800 Coastal Highway
Fenwick Island, DE 19944

Mr. Jack Gordon, Mayor
Town of Bethany Beach, DE
Office of the Mayor
214 Garfield Pkwy.
Bethany Beach, DE 19930

Dear Mayors:

This is in reference to your letter dated October 11, 2017 regarding the Hurricane and Storm Damage Reduction Projects at Bethany Beach, South Bethany Beach and Fenwick Island. Specifically your letter, also signed by the Mayors of Bethany Beach and Fenwick Island, concerned dune grass and dune fencing installation on the above mentioned projects.

As you know, the USACE Philadelphia District successfully awarded a contract to Great Lakes Dredge and Dock Company (GLDD) on September 27, 2017. Based on preliminary coordination with GLDD regarding scheduling the start of construction, it appears dredging and beachfill operations will not begin until the Spring of 2018. Even with this start, it is expected that GLDD will complete the work within the 240 day period of performance. This 240 day period of performance will begin once the Notice to Proceed (NTP) is issued which is expected by the end of October 2017.

Regarding your concerns, the dune fence shall be installed after the completion of beachfill operations. It can be installed after each portion of the project is completed, but we do not believe this will be necessary. No delays are expected for the dune fence installation. We believe this fencing will be installed prior to June of 2018.

The dune grass can be planted between October and March. Planting the dune grass between April and September is not recommended, because the dune grass will most likely not survive. The dune grass portion of the contract was extended through April 2019, but we plan to have the grasses planted prior to that date. If construction is not completed until early Summer of 2018, the USACE Philadelphia District would ask the contractor to plant the dune grass in October of 2018, which is the earliest month within the planting season. It is correct that the dune grass option of the contract was extended through April 2019, but we plan to have the grasses planted prior to that date.

We appreciate your concerns about the dune grass and fencing installation for these projects. As our partners, along with the Delaware Department of Environmental Control, your willingness to volunteer services in support of these projects has been and remains critical for long-term success. As this project continues, we will continue to work with DNREC and your communities for a successful completion of the project.

If additional information is required, please contact Mr. Michael Hart, Project Manager, at (215) 656-6513.

Sincerely,

Nathan C. Barcomb, PE
Deputy District Engineer,
Programs & Project Management

Cc:
The Honorable Tom Carper
Mr. Shawn M. Garvin, Secretary, DNREC
Mr. Tony Pratt, DNREC

- **Town Manager's Report**—Submitted by Maureen Hartman:
 - Attended a SCAT meeting on October 6 with Councilman Shaw.
 - Met with Dewey's Town Manager on October 11 to discuss their permit parking process and how kiosks and online purchasing has been cost effective and has greatly streamlined the process for the Town.
 - Renee and I have been working on updating our parking permit process. We will meet with Councilman Saxton to discuss our findings as we receive information from vendors.
 - Along with Planning Commission chair, Dick Oliver, I met with Jim Smith from Delmarva Power and Light on October 19 to discuss lighting for the Town. On October 27, Mr. Oliver and I also met with Ben Mazza, a representative from Holophane Lighting (at the recommendation of Mr. Smith).
 - On October 25, I attended the CEC meeting to discuss information regarding the possible placement of exercise stations in the Town. Prior to this, I researched and provided information to Councilwoman Callaway that I obtained from Ocean View; the Town's insurance company; other municipal play grounds; and a local vendor, Liberty Parks and Playgrounds.
 - On October 26, I attended a Budget and Finance meeting to discuss amendments to the budget as well as items for the FY 2019 budget.
 - Renee and I assisted Codes Enforcement Constable Joe Hinks while he was out of the office for two weeks.

DECEMBER REMINDER

Town Council Workshop
 Town Offices Closed
 Town Offices Closed

No Meeting
 December 25-26
 January 1, 2018

- **Treasurer’s Report & Audit Synopsis**—Submitted by Councilmember Boteler:

11/9/2017

Town of South Bethany
Monthly Treasurer’s Report - As of Oct 31, 2017
by Don Boteler, Treasurer



Fiscal 2018 Year-to-Date (5/1/17 – 10/31/17) Revenues and Expenditures

	<u>Adopted Budget</u>	<u>Amended</u>	<u>Total Budget</u>	<u>Actual</u>	<u>%</u>
Total Operating Revenue	\$2,278,867	\$0	\$2,278,867	\$1,730,292	76%
Total Operating Expenditures	<u>\$2,278,867</u>	<u>\$0</u>	<u>\$2,278,867</u>	<u>\$1,345,686</u>	<u>59%</u>
Revenue less Expenditures	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$388,061</u>	
Revenue from Grants/Donations	\$136,421	\$0	\$136,421	\$116,656	86%
Expenditures from Grants/Donations	<u>\$136,421</u>	<u>\$0</u>	<u>\$136,421</u>	<u>\$72,814</u>	<u>53%</u>
Revenue less Expenditures	\$0	\$0	\$0	\$43,842	
Capital/Reserve Revenue (from Fund Balance)	\$555,802	\$0	\$555,802	\$285,522	51%
Capital/Reserve Expenditures	<u>\$555,802</u>	<u>0</u>	<u>555,802</u>	<u>285,522</u>	<u>51%</u>
Revenue less Expenditures	\$0	\$0	\$0	\$0	
Total Revenue - All Funds	\$2,971,090	\$0	\$2,971,090	\$2,132,470	72%
Total Expenditures - All Funds	<u>\$2,971,090</u>	<u>\$0</u>	<u>\$2,971,090</u>	<u>\$1,704,022</u>	<u>57%</u>
Revenue less Expenditures	\$ -	\$0	\$0	\$428,448	

Fiscal 2018 (5/1/17 – 10/31/17) Summary of Year-to-Date Departmental Budget to Actual

	<u>Budget</u>	<u>Amended</u>	<u>Total Budget</u>	<u>Actual</u>	<u>%</u>
Revenues:					
Property Taxes	\$511,206		\$511,206	\$508,000	99%
Realty Transfer Taxes	\$355,000		\$355,000	\$244,679	69%
Gross Rental Taxes	\$540,000		\$540,000	\$504,755	93%
Grants	\$136,421		\$136,421	\$116,656	86%
All other revenue	\$872,661		\$872,661	\$472,859	54%
Appropriated Fund Balance	<u>\$555,802</u>	<u>\$0</u>	<u>\$555,802</u>	<u>\$285,522</u>	<u>51%</u>
Total Revenue	\$2,971,090	\$0	\$2,971,090	\$2,132,470	72%
	\$0				
Expenditures:					
General & Administrative Department	\$648,721		\$648,721	\$369,188	57%
Public Works Department	\$260,628		\$260,628	\$122,046	47%
Trash	\$317,865		\$317,865	\$158,905	50%
Public Safety Department	\$704,489		\$704,489	\$377,010	54%
Ambulance	\$74,306		\$74,306	\$40,619	55%
Beach Patrol Department	\$251,422		\$251,422	\$267,607	106%
Town Committee	\$29,495		\$29,495	\$10,311	35%
Grants	\$136,421		\$136,421	\$72,814	53%
Other (Capital)	<u>\$547,743</u>	<u>\$0</u>	<u>\$547,743</u>	<u>\$285,522</u>	<u>52%</u>
Total All Expenses	\$2,971,090	\$0	\$2,971,090	\$1,704,022	57%

Highlights on Revenue

Revenues are tracking to budget.
 Property Taxes are 99% collected.
 There are 15 properties with delinquent property taxes.

Highlights on Expenditures

Expenditures are tracking to budget.

Councilmember Boteler noted that although the Treasurer's Report shows Gross Rental Taxes 93% collected (\$504,755), as of today the Town has collected \$548,615. The amount budgeted for Gross Rental Taxes was \$540,000.

Councilmember Boteler gave a synopsis of the Town's Audited Financial Statements and Supplemental Information For Fiscal Year Ended April 30, 2017 (With Comparative Year Analyses 2016, 2015, 2014). Councilmember Boteler encouraged property owners to review the audit report at the Town Hall or on the Budget and Finance Committee page on the Audits tab of the Town's website, www.southbethany.org.

- **Police Department Report**—Submitted by Chief Troy Crowson:

IACP

Chief Crowson attended the annual International Association of Chiefs of Police Conference from October 22st – 24th. This year the conference was held at the Pennsylvania Convention Center in Philadelphia. The convention gives chiefs from all over the world the opportunity to come together to share ideas and experiences as well as address some of the most pressing challenges. The IACP provides leaders with new strategies, techniques, and resources they need to successfully navigate the evolving police department.

IAEP

Pfc. Nathan Hudson attended the International Association for Property & Evidence Training on October 30th and 31st. Officers that complete this extensive evidence training course become certified property and evidence specialists.

Identity Theft Seminar

The South Bethany Police Department will be hosting an identity theft seminar on November 28th, 2017 at 2:00 pm. This seminar will be located at the town hall conference room. Identity theft is one of the fastest growing crimes world-wide, and rapidly growing in our community, that places you at risk from everyday transactions. Join us to discuss what to do if you spot a scam, think you or someone you know may be a victim of identity theft, and plans to recover if you have been affected.

Building Repurpose Project

The Department has made progress towards the building repurpose initiative. The new keycards have been installed and the new evidence lockers are in. We are awaiting the installation of the prisoner bench for the processing room. Once this has been completed the repurpose to separate the processing and evidence rooms will be complete.

Councilmember Callaway asked if Chief Crowson would be presenting where the Police Department is as a whole regarding the repurposing project. Chief Crowson said he will be presenting what has been done and what improvements he thinks could be made to address all the risk factors Dr. Warren identified. Councilmember Callaway asked if the remaining list would be prioritized in terms of need. Chief Crowson replied that the department will continue to go down the list of priorities. Regarding costs, Chief Crowson stated that the cost of what has already been done is roughly \$16,000 which will be covered by grant funding. Chief Crowson stated that he has estimated costs for the additional repurposing which he will propose for the upcoming presentation. Chief Crowson will be giving a presentation on the repurposing project at the December 8, 2017, Town Council Regular Meeting.

Chief Crowson presented information regarding an arrest on Wednesday, November 15, where the police were contacted by a resident who was out of state viewing real time surveillance footage via her security system.

COMMITTEE REPORTS

- **Budget and Finance Committee** – Submitted by Councilmember Boteler:

The Budget and Finance Committee met on Thursday, October 26, 2017. All property owner members of the committee – Steve Farrow, Chris Keefe, Joe Mormando and Don Boteler - were in attendance along with Town Manager, Maureen Hartman and Finance Director, Renee McDorman.

The committee began with a review of the town's performance versus its budget for the period May 1, 2017 through October 26, 2017. A number of questions regarding individual line items were raised and satisfactorily answered by Ms. Hartman and Ms. McDorman.

The committee then discussed and developed several budget amendments to propose to the Town Council at its November 17, 2017 meeting. The amendments relate to (1) correcting a misclassification of a portion of operating expenditures included in Municipal Street Aid, (2) restoring to reserves the amount designated for expansion of the police building, (3) establishing budget authority for an amount needed to cover the expense of a consulting engagement regarding the town's HR related policies, including associated legal expenses, and (4) establishing budget authority for an amount needed to cover the legal costs of responding to threatened litigation from employees of the town's police department.

The committee then reviewed the outlines of a proposal from Fulton Bank to manage the town's cash in a sweep arrangement that is expected to match or increase current returns on the town's CDs and demand accounts while maintaining deposit insurance and simplifying and strengthening the town's cash management. The committee members requested additional information about the arrangement, which Ms. Hartman and Ms. McDorman undertook to obtain prior to the committee's next meeting.

Finally, the committee reviewed plans to outsource payroll processing to a national third-party payroll processing firm and agreed that the plan should be implemented on January 1, 2018. The new payroll processing arrangement promises to free up substantial administrative staff time for higher value activities. Current administrative budget authority is sufficient to meet the cost of the service for the balance of the fiscal year.

The committee agreed to a next meeting date of November 29, 2017.

- **Canal Water Quality Committee** – Submitted by Councilmember Weisgerber:

The Canal Water Quality Committee did not meet this month.

DNREC has reviewed the committee's grant application and a response is expected from DNREC sometime in November.

- **Charter and Code Committee** – Submitted by John Fields, Chair:

The Charter and Code Committee has not held a meeting since the last Council meeting in October, therefore the Committee has nothing to report at this time.

- **Communications and Public Relations Committee** – Submitted by Councilmember Stevenson:

The Committee met on October 25, 2017 at 1 PM. The meeting was called to order by Carol Stevenson, Chairman. All members were in attendance. The agenda for the meeting was approved, and the draft minutes for the meeting prior on August 1st were read and approved.

The Chairman came to the Podium at the October 13th Town Council meeting as a private citizen to tell the Council about a possible C&PR committee initiative to allow Yoga and Senior Stretch classes at Town Hall. Discussion followed and members of the Town Council felt that the programs might make the carpet smell and that such classes could damage the Council Chambers. The Town Manager also felt that even with the town citizens providing these events, Town Rules would also require a member of the C and PR committee to attend every class to monitor any damage. The chairman withdrew this request on advice of the Town Manager.

It was announced that Joe Conway has volunteered to become the chairman for the annual Boat Parade. The Chairman met with the President of SBPOA who wants to take on the Boat Parade as a Community Activity. The Committee Chairman agreed and will provide any assistance such as materials and background information for the SBPOA. The Boat Parade will be funded and sponsored by the SBPOA and will be called the SBPOA Boat Parade.

Realtor Outreach for spring, 2018 was discussed. This year plans will include an informational letter to all who rent their homes giving important suggestions for making the rental season a safe and profitable one for the homeowners. The letter will go out with regular town mailing to all home owners in early 2018. The Realtor Event will be a Brunch at the Town Hall with gifts for realtors who attend. This will be a meet and greet with the Town Manager and the Police Chief. Attendees will receive informational packets, flash drives with all the town regulations, trash schedules, important phone numbers, and a gift certificate for each realtor group. The date is to be determined.

The first 2018 Pot Luck Dinner will be held on February 10, 2018. The theme will be Valentine's Day and the Dinner will be held in Town Hall. More information will follow.

The events for the next fiscal year were discussed and include a July 1 Boat Parade sponsored by SBPOA, a July 4th Independence Day Bethany Beach Parade Float, performance outdoors at Town Hall by the Overtime Rock Band, and two Summer Movies on the Beach. Tentative dates for 2 summer movies will be July 18 and August 8. The Committee will meet again on December 1 at 10 am.

- **Community Enhancement Committee** – Submitted by Councilmember Callaway:

CEC Meeting Held on October 25, 2017

The meeting was attended by the following CEC members: Sue Callaway, Chair; Donna Farrow; Diann Nazarian; Kent Stephan; Bobbe Stephan; Carol Stevenson; Garnet Timbario; and Don Chrobot, Public Works Supervisor. Also in attendance was Maureen Hartman, Town Manager and one member of the public.

Acknowledgement of the Fall Decorations in the North and South Welcome Areas



Update from Public Works

Don Chrobot summarized that Public Works is now in the midst of their major brush cutting throughout town; retrieving the Christmas decorations to make certain they are in working order; and working on miscellaneous tasks throughout town. In response to discussion regarding trimming of the crepe myrtles along Route 1, Sue Callaway met with Lords Landscaping on 11/10/17. They provided helpful suggestions on how to help increase the flowering of the crepe myrtles and long-term maintenance of trees and shrubs along the median. Public Works will begin work on that task in January, when trees are dormant.

Councilmember Callaway thanked Public Works for putting up the fall decorations and the holiday decorations at the north and south beds. The decorations for the Route 1 light poles will go up before Thanksgiving.

2018 Photography Exhibit – Preliminary Planning of Event – Development of tasks and timeline

Led by Sue Callaway, the group reviewed the CEC's and photographers' evaluation comments summarized at the last meeting. A draft flyer announcing the 2018 Exhibit that incorporated those recommendations was reviewed. The group agreed on the following key points:

- The Exhibit shall continue to be called “Art in the Hall.”
- The dates of the Exhibit shall be: FRIDAY, JUNE 8TH through FRIDAY, JULY 13TH, 2018.
- Exhibit open to all interested South Bethany photographers and will feature photographs of LOCAL South Bethany VIEWS and Delmarva area coastal SIGHTS.
- The CEC will host an Opening Night event on Friday Evening, JUNE 8TH.
- The Exhibit will be open to the public during Town Hall business hours and available for viewing during any other scheduled town events.
- Photographer Exhibit details were reviewed and confirmed.
- Placement of photo display racks was discussed after the installation of the Historic Society cabinet in the back corner.
- In discussing the placement of Exhibit display racks, the group noted that the existing rack that displays town event photos will need to be removed when the Historic Society cabinet is installed – the group agreed to research the use of Command products for safely re-hanging photos on the Town Hall walls.
- For cost savings, CEC will explore use of in-house graphic designs for flyers.
- The group also agreed to reach out to photographers to submit new photos for the revolving photo display on the South Bethany website.

Follow-up Discussion on use of FY 18 and Preliminary look at FY 19 Funds

After discussing the four previous suggestions (August meeting) for use of FY 18 Funds, the group unanimously agreed to focus its research on exploring the costs, locations and other criteria for installing fitness equipment in South Bethany. As part of the Town's Comprehensive Plan, “promote South Bethany as a healthy community,” the idea would be to start with a few pieces and evaluate its usage and success. The CEC will continue its discussion at the December CEC meeting after reviewing and compiling information gathered from follow-up discussions with: the town insurance company; Ocean View Town Manager; Charlie Walker, President of Liberty Parks and Recreation re: equipment placement and any ADA compliant issues; assessing possible location options and various other issues; DeIDOT; and Bob Ehemann with DNREC re: grant opportunities.

December CEC Budget Meeting followed by Annual CEC Christmas Party/Luncheon

CEC will meet Thursday, December 7 at 10:00 am for the next CEC meeting which will focus on the development of the DRAFT FY 19 CEC budget. The meeting will be followed by the annual CEC Christmas lunch that includes Town administrative and police staff.

ADOPTION OF MINUTES

- **Town Council Meeting Minutes, November 10, 2017** – A motion was made by Councilmember Saxton, seconded by Councilmember Shaw, to accept the November 10, 2017, Town Council Meeting Minutes. The motion was unanimously carried.
- **Town Council Executive Session Minutes, November 10, 2017** – The November 10, 2017, Town Council Executive Session Minutes were not completed. Council will vote on these minutes at the next meeting.

ORDINANCES

- **Third Reading of Ordinance 188-17, to amend the Code of the Town of South Bethany Chapter 145, Zoning, Article III, "Definitions", to allow home owners to enclose ground level space under their homes for storage and parking provided all requirements of Chapter 145, Article XIV are met and to allow home owners to install HVAC in enclosed ground level space under their homes provided all requirements of Chapter 145, Article XIV are met. (Tim Saxton and Don Boteler)**

Councilmember Boteler and Charter and Code Committee Chair John Fields reviewed Ordinance 188-17. There were no questions or comments from Council or the audience.

Mayor Voveris declared this the third reading of Ordinance 188-17.

- **Discussion and possible vote to adopt Ordinance 188-17**

A motion was made by Councilmember Boteler, seconded by Councilmember Saxton, to adopt Ordinance 188-17. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Shaw, Boteler, Saxton, Callaway, Stevenson, and Weisgerber

AGAINST THE MOTION: None

The motion was unanimously carried.

- **Third Reading of Ordinance 189-17, to amend the Code of the Town of South Bethany Chapter 20, Planning Commission, to change the date the Planning Commission is required to submit an annual report to the State of Delaware. (Tim Shaw)**

Councilmember Shaw reviewed Ordinance 189-17. There were no questions or comments from Council or the audience.

Mayor Voveris declared this the third reading of Ordinance 189-17.

- **Discussion and possible vote to adopt Ordinance 189-17**

A motion was made by Councilmember Shaw, seconded by Councilmember Weisgerber, to adopt Ordinance 189-17. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Shaw, Boteler, Saxton, Callaway, Stevenson, and Weisgerber

AGAINST THE MOTION: None

The motion was unanimously carried.

- **Third Reading of Ordinance 190-17, to amend the Code of the Town of South Bethany Chapter 17, Participation in Meetings by Remote Electronic Access, for Council Members, Committee Members, and Commission Members, to change the way participation in remote electronic access is managed and to change the number of times participation in remote electronic access may be used annually. (Tim Saxton)**

Councilmember Saxton reviewed Ordinance 190-17 and emphasized that participation by remote electronic access is available for Council Members, Committee Members, and Commission Members – it is not available to the public. There were no questions or comments from Council or the public.

Mayor Voveris declared this the third reading of Ordinance 190-17.

- **Discussion and possible vote to adopt Ordinance 190-17**

A motion was made by Councilmember Saxton, seconded by Councilmember Shaw, to adopt Ordinance 190-17.

Discussion: Mayor Voveris stated that she appreciates Council wanting to do more of the remote participation, but it is not something that she can support for the Council. Mayor Voveris said between participation by remote access and excused absences, this change brings the percentage to 35% of the time somebody doesn't have to be physically present at the meetings.

The voting was as follows:

FOR THE MOTION: Councilmembers Shaw, Boteler, Saxton, Callaway, Stevenson, and Weisgerber

AGAINST THE MOTION: Mayor Voveris

The motion carried with a 6-1 vote.

DISCUSSION AND POSSIBLE VOTE TO AMEND THE PROTOCOL GOVERNING ABSENCES FROM AND REMOTE ACCESS TO TOWN COUNCIL MEETINGS POLICY TO COINCIDE WITH AMENDMENTS MADE IN ORDINANCE 190-17. (VOVERIS)

Motion: A motion was made by Councilmember Callaway, seconded by Councilmember Boteler, to amend the Protocol Governing Absences From and Remote Access to Town Council Meetings as follows: An absence shall be unexcused if a member has been absent for a total of three or more times, whether excused or unexcused or consecutive or nonconsecutive, in the 12 months immediately preceding the absence currently being considered. This action shall be recorded in the minutes of the meeting. Participation by remote access is not considered an absence. However, Council Members may exercise the remote access option not more than **three times twenty percent (20%) of the scheduled meetings** annually.

Vote: The motion was unanimously carried.

Councilmember Callaway commented on the need for microphones for the Council table and that it is very difficult to hear the Town Staff when participating by remote access.

DISCUSSION AND POSSIBLE VOTE ON BUDGET AMENDMENTS (BOTELER)

Councilmember Boteler reviewed the requested budget amendments.

Motion: A motion was made by Councilmember Boteler, seconded by Councilmember Shaw, to adopt the following budget amendments:

Budget Amendment Request (1,2,3,4) - 11.17.17

Town of South Bethany
FY 2018 - Amended Budget

Budget Amendment Requests:

It is requested that the following Expenditure accounts be amended and money be transferred from the Fund Balance:

			Original Budget	Amended Budget	Total Budget	YTD	Balance	
Budget Amend (1)	01-100-5240	G&A - Legal*	25,000.00	40,000.00	65,000.00	44,471.36	20,528.64	(To cover additional legal expenses from Police Demand Letter, CPSM Study)
		*Legal Expense Breakdown for Explanation Purposes						
		Legal (Regular Annual Expense)	25,000.00	10,000.00	35,000.00	19,365.16	15,634.84	
		Legal (Police Demand Letter)		18,000.00	18,000.00	17,574.70	425.30	
		Legal (CPSM Study)		12,000.00	12,000.00	7,531.50	4,468.50	
				40,000.00	65,000.00	44,471.36	20,528.64	
Budget Amend (2)	01-350-5605	DPS - CPSM Study	0.00	17,000.00	17,000.00	10,000.00	7,000.00	(To cover approved review of Police and Administrative Policies and any other incidental expenses.)
Budget Amend (3)	03-750-5150	MSA - Street Repairs & Maintenance	75,000.00	-25,338.00	49,662.00	49,662.00	0.00	(To correct MSA operating misclassification)
Total Amount Requested from Fund Balance:				\$ 31,662.00				

It is requested that the following Capital Expenditure account(s) be amended and monies returned to Fund Balance:

Budget Amend (4)	02-700-5028	Capital Expenditure - (PS) PD Bldg Expansion	232,450.00	-182,450.00	0.00	0.00	0.00	(IAW 6/2/17 Workshop - Police building will be repurposed not expanded at this time)
Total Unassigned Fund Balance Restored:				\$ 182,450.00				

Vote: The motion was unanimously carried.

PROPERTY OWNERS' PARTICIPATION

- Diann Nazarian (20 Peterson Dr.) – Inquired if the Town was any closer to getting Pine Road surveyed. Mayor Voveris stated that it is in the budget to have the survey done this fiscal year, but no action has been taken on it yet.
- Steve Bunoski (417 Victoria Dr.) – Asked that the Council consider mediation to try and resolve the problem with the Police Department. Mayor Voveris stated that the Town is not at a point where there would be action on the Town's part. Mayor Voveris stated that the police produced the demand letter and the Town responded to the demand letter. Mr. Bunoski suggested mediation to avoid future attorney fees and to resolve the problem. Mr. Bunoski believes everyone is going to be losing because we are antagonizing members of our police force. Councilmember Callaway thanked Mr. Bunoski for his comments and said that she agrees with him and appreciates him bringing it up. Councilmember Callaway stated that she is a Councilmember who has considered it [mediation] and has looked into it.

Mr. Bunoski stated that York Road continues to flood, and he believes from a liability point of view the Town has a problem because people are being forced to walk out into the road. Mr. Bunoski stated that there have already been major accidents that have happened on that road. Mr. Bunoski believes the solution would be to put about 50 yards of riprap along the

bend on the side of York Road to stop the water from flooding the street. The Town Manager stated that typically riprap is used to stop water velocity, but it will not necessarily stop the water from coming in. After discussion Mayor Voveris said she will make an inquiry with DNREC about the riprap.

- Ed Nazarian (20 Peterson Dr.) – Spoke in support of resolving the police issue. Mr. Nazarian also inquired about the Police Department building expansion. Chief Crowson explained that due to costs the police building expansion is not going to happen. Instead the Police Department is proposing a repurpose of the existing police building space. Chief Crowson will be giving a presentation on the repurposing project at the December 8, 2017, Town Council Regular Meeting.

ADJOURNMENT

A motion was made by Councilmember Boteler, seconded by Councilmember Saxton, to adjourn the November 17, 2017, Town Council Regular Meeting at 3:05 p.m. The motion was unanimously carried.

phs:2017 11 17 Regular Meeting Minutes Amended and Approved 11 30 17