

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
OCTOBER 13, 2017**

MEETING CALLED TO ORDER

Mayor Voveris called the October 13, 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, Tim Saxton, Tim Shaw, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Maureen Hartman; Chief Troy Crowson; and Administrative Assistant Pam Smith

PRESENT BY REMOTE ACCESS: Councilmember Sue Callaway

EXCUSED ABSENCE: Councilmember Carol Stevenson

LEADERSHIP REPORTS

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

Since my last report Town operations have run smoothly as another successful season came to an end.

On 9/28 Councilman Shaw and I attended an evening meeting in Dover for the DLLG (Delaware League of Local Governments) where DNREC Secretary Garvin outlined his focus on considerations and initiatives for the coming year. A tight budget will necessitate prioritizing projects by need and maximum effect.

On 10/06 I participated in the ACT (Association of Coastal Towns) meeting in Dewey with local mayors. We primarily discussed dredging of the Roosevelt Canal and the upcoming beach replenishment for Bethany, South Bethany, and Fenwick Island. I shared the News Update sent to our owners. (Attached)

On 10/12 the Ambulance Group (Bethany, South Bethany, Fenwick Island, and Sea Colony) will meet to discuss the purchase of a new ambulance. Review of specs and cost will have been evaluated by the nationally recommended consultant group, CPSM, which South Bethany contracted to review Police Department and Town policies and procedures and operation.

Thank you.

- **Town Manager's Report**—Submitted by Maureen Hartman:
 - Attended a DeLea Founders Insurance Trust (DFIT) meeting on September 14 and was elected as a Trustee. Dividend checks will be distributed in December, but dividends will be released over a two-year period (calendar year).
 - Attended a City Managers Association of Delaware (CMAD) meeting on September 14. Since this organization is ICMA affiliated, we've been advised that future meetings will be aligned with the goals of the ICMA affiliation agreement. Our next meeting is on November 2 and there will be two items of business: 1) a presentation on the ICMA Fellowship program; and 2) a discussion with Karen Brittingham of DeIDOT regarding

municipal maintenance agreements and proposed changes to the municipal street aid program. There was subsequent discussion about DelDOT's MS4 responsibilities versus those of municipalities subject to the permit.

- On September 20, Joe Hinks and I attended a Coastal Inland Bays (CIB) presentation at Sea Colony regarding DelDOT's proposed improvements to the Anchorage Canal Drainage Area, which also includes improvements to the Rt 1/Pennsylvania Ave/Westway Dr intersection.

The purpose of this project is to provide drainage and stormwater retrofits while improving traffic operations for pedestrians, bicyclists and vehicular traffic. The portion of the roadway designed in pink will be removed and become a pedestrian path. You will be able to access Pennsylvania Ave by a right turn at the light.

- Attended an informational presentation by the Historical Society on September 20th regarding the history of the Town of South Bethany.
- On September 21, I was invited to attend a webinar in Lewes titled "Asking the Police Chief the Right Questions to Make the Right Data Driven Decisions." The presentation was provided by ICMA/CPSM and discussed how police departments can schedule employees and function more effectively (cost-wise and shift-wise).
- I attended a meeting for the Women Leading Government (WLG) on September 27th. There was an informative speaker from the Delaware Breast Cancer Coalition.
- Throughout the month of September, I assisted residents, staff and council members with various projects and issues.
- The Maintenance Supervisor made a prototype of a shield with aluminum flashing to put around the street lights. Delmarva Power likes how the shields look and they will install the shields. We will be meeting with Jim Smith from Delmarva Power next week. Making the shields in house is a cost savings to the Town.
- The Maintenance Supervisor found a dead sea turtle this morning on the beach at S. 9th St. The MERR Institute came in and did some tissue samples. The Maintenance Supervisor buried the sea turtle.

- **Treasurer's Report**—Submitted by Councilmember Boteler:

10/6/2017

Town of South Bethany
Monthly Treasurer's Report - As of Sep 30, 2017
 by Don Boteler, Treasurer



Fiscal 2018 Year-to-Date (5/1/17 – 9/30/17) 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	\$1,403,463	62%
Total Operating Expenditures	<u>\$2,278,867</u>	<u>\$0</u>	<u>\$2,278,867</u>	<u>\$1,174,229</u>	<u>52%</u>
Revenue less Expenditures	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$232,689</u>	
Revenue from Grants/Donations	\$136,421	\$0	\$136,421	\$99,026	73%
Expenditures from Grants/Donations	<u>\$136,421</u>	<u>\$0</u>	<u>\$136,421</u>	<u>\$56,838</u>	<u>42%</u>
Revenue less Expenditures	\$0	\$0	\$0	\$42,188	
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	\$1,788,011	60%
Total Expenditures - All Funds	<u>\$2,971,090</u>	<u>\$0</u>	<u>\$2,971,090</u>	<u>\$1,516,589</u>	<u>51%</u>
Revenue less Expenditures	\$ -	\$0	\$0	\$271,422	

Fiscal 2018 (5/1/17 – 9/30/17) 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	\$510,947	100%
Realty Transfer Taxes	\$355,000		\$355,000	\$209,316	59%
Gross Rental Taxes	\$540,000		\$540,000	\$16,781	3%
Grants	\$136,421		\$136,421	\$99,026	73%
All other revenue	\$872,661		\$872,661	\$666,420	76%
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	\$1,788,011	60%
	\$0				
Expenditures:					
General & Administrative Department	\$648,721		\$648,721	\$324,662	50%
Public Works Department	\$260,628		\$260,628	\$106,398	41%
Trash	\$317,865		\$317,865	\$132,429	42%
Public Safety Department	\$704,489		\$704,489	\$316,609	45%
Ambulance	\$74,306		\$74,306	\$22,081	30%
Beach Patrol Department	\$251,422		\$251,422	\$262,213	104%
Town Committee	\$29,495		\$29,495	\$9,838	33%
Grants	\$136,421		\$136,421	\$56,838	42%
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	\$1,516,589	51%

Highlights on Revenue

Revenues are tracking to budget.
 Property Taxes are 100% collected. However, there are pending refunds for overpayments.
 There are 15 properties with delinquent property taxes.

Highlights on Expenditures

Expenditures are tracking to budget.

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

5th Annual Operation Seas the Day!

The 2017 annual Operation Seas the Day was a success! Thank you to those volunteers that participated in this event for our wounded soldiers and their families as a means of showing our appreciation for their service and sacrifice. South Bethany residents lined the streets to cheer on our warriors during their escort from Sea Colony to the Freeman Stage at Bayside for a concert. Chief Crowson participated in the motorcade, driving the department's Humvee!

FBI Director Visit

Chief Crowson was invited to meet with FBI Director Christopher R. Wray. Director Wray invited police chiefs from the Maryland and Delaware area to meet at the FBI Baltimore Field Office.

Drug Enforcement Administration

The South Bethany Police Department participated in the Basic Narcotics Investigator Course, offered at the Bethany Beach National Guard Center. This course consists of both classroom and practical training in Drug Enforcement Legal Training, Conspiracy Investigations, Interview Techniques, Drug Identification, Heroin Overdose Investigations, and more.

Building Repurpose Project

The Department is continuing to work on building and repurposing initiatives.

In response to a question from Mayor Voveris, Chief Crowson said adjustments to the cameras were made last week, and it will probably be another week or two before work on the cameras is complete. Chief Crowson said the Police Department obtained grant funding for a new bench and some new evidence equipment. The items have been ordered but have not been received. Mayor Voveris asked if the rearrangement of the physical space could be done by the end of the year. Chief Crowson thinks it can be done by the end of the year. Mayor Voveris stated that we want the Police Department to be safe.

COMMITTEE REPORTS

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

The Budget and Finance Committee has not met since its last report to the Town Council. There is nothing at this time to report. The Budget and Finance Committee will meet on October 26, 2017.

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

The Town of South Bethany with support from the Center for the Inland Bays (CIB), as a project partner, and with support from the South Bethany Property Owners Association (SBPOA), as a project partner, is pleased to have the opportunity to submit our proposal, Turning Dead End Canals into Stormwater BMPs by Using Floating Treatment Wetlands, for a DNREC Community Water Quality Improvement Grant.

SBWQC is looking to turn our dead end canals into storm water BMPs by putting floating wetlands in them. The floating wetlands will be deployed so as to maximize coverage on the canal ends. This effort is expected to aide in reducing the algal blooms that are concentrated on the canal ends. The grant awards will be announced this month.

The results from recent Petherton canal core samples submitted to AgreLab are being compared to historical data routinely collected by Dave Wilson's Water Quality Group. As always lots of data can be good, but it can also be confusing. George Junkin will be reviewing/discussing this data with Edward Whereat of University of Delaware at Lewis to better understand nutrient, phosphorous and other levels found.

This is a prelim step necessary for better understanding the characteristics of the canal bottoms so we can meet the goal of selecting the best remediation approach to lower the concentrations of nitrogen and phosphorous levels in the South Bethany canals.

These include, but are not limited to:

- Vacuum dredge the contaminated material,
- Where the canals are deep enough cover the contaminated material with a fill material (sand?) to cap it,
- Vacuum the contaminated material and back fill with sand so as not to make the canals any deeper,
- Use SediMite (used in Mirror Lake), activated charcoal, biochar, alum or other chemical system to seal the nutrients,
- Do nothing in the canals but buy an algae harvester and harvest the algae more often than DNREC is available to supply their harvester.

George Junkin is preparing a Surface Water Matching Planning Grant proposal, Planning Studies and Feasibility Analysis to Mitigate High Concentrations of Nitrogen and Phosphorous in the South Bethany Canals to help in the Restoration of the Canals to their original Fishable and Swimmable Condition.

Grant Scope of Work (this work is necessary for remediation permit applications)

2.1 The Town of South Bethany will issue a contract to the Woods Hole Group to perform the Bathymetric and Subbottom Acoustic Survey and Sediment Core Sampling and Analysis Tasks. The Woods Hole Group will also be subcontracted to provide technical support in the trade off study to decide which remediation approach should be used. After receiving inputs from the Woods Hole Group and from the Canal Water Quality Committee, the South Bethany Town Council will have the final decision on what remedial actions will be undertaken by the Town.

2.2 Bathymetric and Subbottom Acoustic Survey in the canal network. The logic here is to provide a comprehensive survey of the sediment surface and subsurface composition in the canals, which can serve as a proxy for number of core samples necessary. At the very minimum, a bathymetric survey will be required to calculate potential volume of material to be dredged to reach the canal's controlling depth of -4 feet mean lower low water (MLLW).

At the same time the bathymetric data are being collected, a subbottom profiling system will be used. The results are profile of subsurface sediment layering.

2.3 Sediment Core Sampling and Analysis

2.4 Selection of Best Remediation Approach

2.5 Education and Outreach

2.6 Reporting

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

The Charter and Code Committee has drafted an ordinance that would allow home owners in South Bethany to enclose ground level space under their home, Ordinance number 188-17. The Committee has also drafted an ordinance that would change the date the Planning Commission reports progress to the State of Delaware, Ordinance number 189-17, and an ordinance that would revise the procedures for participating in meetings by remote access, Ordinance number 190-17. All three ordinances had a first reading at the Town Council meeting on September 28, 2017. Minor changes were made in Ordinance 190-17.

All three ordinances are scheduled for a second reading at the Town Council meeting scheduled on October 13, 2017.

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

Making South Bethany a Healthy Community is a mandate of our Town Comprehensive Plan. Offering activities in nice weather has been an easy sell to our residents and visitors. We are now planning to offer activities at our town hall in the colder months. Yogi Instructor and South Bethany resident Debbie Finger will offer an evening yoga class at town hall. Mel and Kim Royster who also reside in South Bethany will offer a Saturday morning Strength and Stretching Class. These classes are now in the planning stages. There will be a limited number of participants and availability will be on a first come, first served basis. As was the case on the beach, there will be a donation for fee accepted. Those interested should watch the email updates and bulletin boards for details. Both activities are appropriate for seniors and folks of all ages!

The Communications and Public Relations finished out the season with an End of Summer Celebration Pot Luck Beach Party on Saturday, September 9, on the beach at South 3rd Street. The Lifeguards joined the group for pizza and delicious offerings by the attendees. We all enjoyed getting to know each other. Participants included a toddler and international guests from Peru and Uruguay! Particular thanks should be given to Lisa Saxton, Margaret Oliver, Linda Whitney, Sue Callaway and all their spouses who helped with tables. Fine food, drink, and music accompanied a very good time!

The next meeting of the Communications and Public Relations Committee will be on October 25 at 1 p.m. All are welcome to attend and to bring their ideas and expertise for next year. We will be addressing future social activities, communications improvements including the website and our other communications tools. We look forward to your input! Send us your suggestions by email to carol.stevenson54@gmail.com. Remember volunteers make everything happen and while we welcome your ideas, we need you to stand up and volunteer to make things happen!

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

The Community Enhancement Committee (CEC) has not met since the last report. Our next meeting is scheduled for Wednesday, October 25, at 9:30 a.m. at Town Hall.

- **Planning Commission** – Submitted by Councilmember Shaw

The Planning Commission met on Sept 15th at 1:00pm at the Town Hall. The meeting was called to order by Dick Oliver and all of the PC members were in attendance. The meeting notes for the prior meeting were accepted.

The major activity of the PC at this moment is to work on development of a lighting plan for the town. The PC reviewed a mission statement for that activity and made some minor

revisions. The PC has also absorbed the traffic committee and will be reviewing proposed suggestions for improving the town's roads for bike and pedestrian traffic.

The PC has laid out a rough sequence of action steps to be taken to move the lighting plan forward. The goal is to develop a plan that addresses safety and security while minimizing light pollution.

At the moment it appears that there are three basic approaches that can be taken: use lighting assets that are available through Delmarva Power, or use lighting assets that the town obtains and maintains, or possibly a hybrid combination of both. It was noted that currently Delmarva Power does not offer any lighting systems that use LED technology or that allow the minimization of light pollution.

The council liaison suggested that since an approach that requires the town to procure and maintain lighting assets will probably require some financial planning, it is important to come up with a rough budget ASAP so that the Budget and Finance Committee can begin researching how to fund the project. The committee agreed that an interim milestone for generating a rough estimate budget could be inserted into the current plan.

It was mentioned that other municipalities had recently worked with Delmarva Power on lighting programs and that possibly the PC could look at their programs for approaches and suggestions. Dick Oliver will ask our Town Manager to contact her counterparts at West Ocean City and Rehoboth to see if we can obtain any relevant information, especially where LED lighting has been considered.

The PC discussed the current issues surrounding the lighting that was recently added on Canal Drive. The PC felt strongly, based on property owner and renter feedback, that the committee's first recommendation to the Town Council in regards to lighting would be to have those lights disabled. There was discussion about whether this should be total or partial, and when this should happen, but the PC felt that those decisions should be left to the Town Council to debate and decide. The Council liaison was asked to forward this recommendation to the Town Council as soon as is possible. (This report to the Council will serve to complete that action.) The PC felt that Canal Drive might be used as a test-bed for evaluating other Delmarva Power lights, and even lights (and poles) from other sources.

The town's Comprehensive Plan (recently approved and adopted) has a set off goals and the PC has assigned its members to track and provide a report in regards to how the town progressed (or didn't) on each major goal by the time the plan has to be updated next year. The PC also recommended that the Budget and Finance Committee consider reviewing the town's discretionary spending to see if it is allocated in proportion to these goals.

The committee chair reminded the members that the next PC meeting will be held at the normal 10:00am time and not at 1:00pm.

The meeting was called to a close at approximately 2:30pm

ADOPTION OF MINUTES – SEPTEMBER 28, 2017, TOWN COUNCIL WORKSHOP MEETING MINUTES

A motion was made by Councilmember Boteler, seconded by Councilmember Shaw, to accept the September 28, 2017, Town Council Workshop Meeting Minutes.

Mayor Voveris noted that at the September 28, 2017, Town Council Workshop Meeting Council appointed Peter Bogetti to the Board of Adjustment until August 2019 which is the unexpired term of the vacancy created by an owner who moved.

Vote: The voting was as follows:

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

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO APPROVE PLACING THE HISTORICAL SOCIETY'S DISPLAY CASE AND HISTORICAL REPOSITORY ALONG THE NORTH WALL OF THE TOWN COUNCIL MEETING ROOM. (FRANK WEISGERBER)

Councilmember Weisgerber stated that the Historical Society will purchase and install the unit.

A motion was made by Councilmember Weisgerber, seconded by Councilmember Shaw, to approve the install of the Historical Society's display case and historical repository along the north wall of the Town Council meeting room.

The Town Manager asked whose responsibility it will be to take care of the piece of furniture. The Town Manager also asked how the countertop will be protected noting that during events in the meeting room where food and drink will be available, people may place plates and cups on the countertop. Mayor Voveris believes the whole countertop will be used for display purposes, and there would be no place for people to put plates and cups.

George Junkin (8 S. 4th St. and Treasurer of the Historical Society) – Stated that the Historical Society will be responsible for everything that is in the unit or displayed on the unit. If something gets lost, it will be the Historical Society who has lost it not the Town. Mr. Junkin stated that no one can stop people from putting dishes and plates on the display. Mr. Junkin thinks that maintenance would remove things from the countertop if they are cleaning up the room, but if not the Historical Society can. Mayor Voveris said she hopes people will be respectful of the display unit – it will be a nice piece of furniture.

Mr. Junkin noted there are locks on the drawers and the Historical Society will incur all costs for procuring and shipping it to Town Hall. The only cost to the Town will be the electricity used to run the lights in the display.

Historical Society Secretary Carolyn Marcello stated that she will keep the display clean.

Vote: The voting was as follows:

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

AGAINST THE MOTION: None

The motion was unanimously carried.

ORDINANCES

- **Second 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 reviewed Ordinance 188-17.

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

- **Discussion and possible vote to amend Ordinance 188-17 for the Third Reading**

There was no vote to amend Ordinance 188-17 for the third reading.

- **Second 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.

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

- **Discussion and possible vote to amend Ordinance 189-17 for the Third Reading**

There was no vote to amend Ordinance 189-17 for the third reading.

- **Second Reading of Ordinance 190-17, to amend the Code of the Town of South Bethany Chapter 17, Participation in Meetings by Remote Electronic Access, 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.

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

- **Discussion and possible vote to amend Ordinance 190-17 for the Third Reading**

There was no vote to amend Ordinance 190-17 for the third reading.

PROPERTY OWNERS' PARTICIPATION

- **Mike Matera (303 W. 9th St.)** – Stated that the Russell Canal is dirty and is full of pine needles, leaves, limbs and dirt. Mr. Matera stated that he does not know why the Town is not cleaning up the canals. Mayor Voveris stated that she does not believe the Town has the manpower or the equipment to clean up the pine needles in the canal. A discussion ensued. It was noted that the Town put new stone at the end of the Russell Canal along Peterson Dr. which should help with runoff into the Russell Canal. The bulkhead at the end of the Russell Canal is lower than the street and water that runs down Peterson Drive washes whatever is sitting at that canal end into the Russell Canal.

- George Junkin (8 S. 4th St.) – Stated that the Town Code says that yards are supposed to drain into the road and for that to happen the Town has to allow bulkheads to be high enough so the water drains to the yard. If the Town does not allow people to raise their bulkheads high enough to hold the dirt in, then the Town can't ask them to grade their yard higher back where the canal is. Mr. Junkin stated that this issue is more than just pine needles going into the canal. Mr. Junkin believes Council would have to direct somebody to look into the problem and come up with a solution. Mayor Voveris noted that the bulkhead discussion has taken place many times.

Mayor Voveris asked if it was isolated to just this one property or is it throughout town. Councilmember Saxton and Mr. Junkin said it is not isolated to this one property.

Councilmember Saxton believes part of the problem with the Russell Canal is that people have pushed the water to the street and the water goes to the lowest point and the only way to fix the problem is to raise the bulkhead at that canal end. Councilmember Weisgerber suggested as an alternative some type of blockage that redirects the water.

Mr. Matera noted that once or twice a week he cleans up the pine needles on Russell Road.

- Mike Matera (303 W. 9th St.) – Inquired about the three Burglary/Thefts listed on the September Police Report. Chief Crowson stated that they were thefts and one was a missing kayak. After discussion, Mayor Voveris asked Chief Crowson to have the Police Department's Public Information Officer do a news update regarding securing items over the winter.
- Albert Branson (10 N. 4th St.) – Recognized the Administrative Assistant for the job she did on the most recent town newsletter. Everyone acknowledged the Administrative Assistant's work on the ZEPHYR with applause.

Mr. Branson inquired as to the status of the police lawsuit. Mayor Voveris said there was a Letter of Demand made by the police - it was not a law suit. The Town responded to the Letter of Demand. There is nothing else to report as the Town has not heard anything from the officers.

ADJOURNMENT

A motion was made by Councilmember Shaw, seconded by Councilmember Weisgerber, to adjourn the October 13, 2017, Town Council Regular Meeting at 2:35 p.m. The voting was as follows:

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

AGAINST THE MOTION: None

The motion was unanimously carried.