

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES DECEMBER 14, 2018</b>
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**MEETING CALLED TO ORDER**

Mayor Saxton called the December 14, 2018, Town Council Regular Meeting to order at 6:00 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

Councilmembers Don Boteler, Sue Callaway, Jerry Masiello, Jimmy Oliver, Carol Stevenson, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; Chief Troy Crowson; and Administrative Assistant Pam Smith.

**ADOPTION OF MINUTES**

**Town Council Special Meeting Minutes, November 8, 2018** – Motion by Councilmember Boteler, seconded by Councilmember Stevenson, to accept the November 8, 2018, Special Meeting Minutes. Motion unanimously carried.

**Town Council Executive Session Minutes, November 8, 2018** – Motion by Councilmember Oliver, seconded by Councilmember Boteler, to accept the November 8, 2018, Executive Session Minutes. Motion unanimously carried.

**Town Council Regular Meeting Minutes, November 9, 2018** – Motion by Councilmember Stevenson, seconded by Councilmember Masiello, to accept the November 9, 2018, Regular Meeting Minutes. Motion by Councilmember Callaway, seconded by Councilmember Boteler, to amend the November 9, 2018, Town Council Regular Meeting Minutes by adding the following to Page 1, Last Paragraph: *Mayor Saxton stated that there is no initiative in this Town to remove the police department, and there is no initiative by the Town Council to even consider removing the police department from this town.* Motion to accept the November 9, 2018, Town Council Regular Meeting Minutes as amended by Councilmember Callaway was unanimously carried.

**ORDINANCE**

**First Reading of Ordinance 193-18, small cell wireless facilities** - Charter and Code Committee Chair John Fields discussed Ordinance 193-18 with Council. Several items such as definitions, rates and fees, legalities, and aesthetics were discussed at length.

Councilmember Weisgerber expressed concerns about poles having a cluster of antennas from several wireless telecommunications providers and Councilmember Callaway asked if the Town will receive a plan or map of where the facilities will be placed before installation, and will the Town have a say regarding the plan.

Resident Bob Cestone, 140 New Castle Drive, spoke at length regarding his concerns about Ordinance 193-18 and provided a list of comments to Council.

Mayor Saxton declared this the first reading of Ordinance 193-18. Mayor Saxton directed the Charter and Code Committee to meet and review and possibly add the items discussed, then provide the ordinance to the Town Manager to submit to the Town Attorney for review and comment.

**Discussion and possible vote to amend Ordinance 193-18 for the Second Reading** - There was no further discussion or vote.

**COMMUNITY CONTRIBUTORS AGREEMENT FOR THE SUPPORT OF THE AMBULANCE SERVICE PROVIDED BY THE BETHANY BEACH VOLUNTEER FIRE COMPANY (BBVFC)**

Mayor Saxton provided a brief synopsis of the ambulance agreement. He stated that the most significant thing in the agreement is it establishes contributions for each community for the next five years. The fee will remain at its current applied fee per lot. The contribution for each community per year is the number of lots in the community times the ambulance service fee per lot. Motion by Councilmember Boteler, seconded by Councilmember Masiello, to ratify the Ambulance Service Community Contributors Agreement contract for signature. Motion unanimously carried.

**LEADERSHIP REPORTS**

1. Mayor Saxton – The Mayor submitted his report for review. The Mayor added that discussions have ensued with Sharp Energy regarding their agreement with the Town and negotiations should be completed in January. He also added that there will be rebates given to the owners in the first quarter for all of the times Sharp Energy billed over the allowable amount regarding fees within the contract. Sharp Energy will be providing the Town with additional monies where they made errors in not including the inflation rate in the lease payments over about the last six years. Additionally, the propane tanks maintained by Sharp now have equipment installed to monitor tank propane levels centrally.
2. Town Manager – The Town Manager submitted her report for review with no additions.
3. Treasurer's Report – Councilman Boteler submitted his report for review with no additions.

**COMMITTEE AND COMMISSION REPORTS**

1. Budget and Finance – Councilman Boteler stated that the Committee reviewed the November financials, noting first that magistrate and parking fines are only at 31 percent and 38 percent of budget, respectively, after seven months, which include the busy summer months. The Committee projected a likely shortfall of at least \$25,000 in these two accounts by year-end. The Committee also noted that the legal expense budget of \$25,000 has already been spent and additional legal expenses of perhaps \$10,000 to \$15,000 can be expected. Offsetting these items are lower than expected personnel expenses in the Public Safety Department due to vacancies, as well as \$57,000 to date in excess transfer tax collections over budget. On an overall basis, the Committee agreed that, with five months remaining in FY19, there is a reasonable likelihood that the town will end the year within budget, absent any significant unexpected developments. The Committee then discussed in more detail the capital budgeting process. The Committee agreed that the capital budget should be presented as a ten-year plan to comport with an undertaking in the town's Comprehensive Plan. The committee agreed to a next meeting date of Thursday, January 24, 2019 at 9:00 am in Town Hall to conduct its first review of submitted and compiled budget requests.
2. Canal Water Quality – Councilman Frank Weisgerber submitted his report and added that the Town has contracted with Envirotech to do a mowing or trimming this month on the floating wetlands. He also added that the Woods Hole Group, who recommended further sediment samples from the sub-bottom, were here Thursday of this week to gather additional information or samplings closer to the canal ends in the areas that we identified, and they have been sent off to the lab. He stated that we expect to meet with them hopefully in February and possibly in early March where we will work out the remediation solutions.
3. Charter and Code – Councilman Jimmy Oliver submitted his report with no additions.
4. Communications and Public Relations – Councilwoman Carol Stevenson submitted her report for review and added that they are working on plans for the June 30, 2019, 50<sup>th</sup> Anniversary Celebration for the Town.
5. Community Enhancement – Councilwoman Sue Callaway submitted her report for review with no additions.

**PUBLIC COMMENT**

Dennis Roberts, 107 Canal Dr. – Expressed his concern about the lack of rank advancement and 24/7 coverage with the police department. He stated that he is happy to hear that there is no intention to not have a police department. He stated that if money is needed to fund additional police officers, begin incremental tax increases such as two or three percent per year rather than an 80% increase five years from now where it won't hurt anyone, and build a little bit of reserve or increase rental tax.

Dan Cowell, 110 Henlopen Dr. – Stated that a three-person police department plus the Chief cannot provide 24/7 coverage. He is displeased with the direction of Council and the police.

Larry Budd, 4 S. 3<sup>rd</sup> St. – Commented about his interest in maintaining a local police force that provides safety, community policing, and proactive policing. He would like to see both sides working together. He stated that limiting public comment to 3 minutes is not friendly.

Fred Reitzel, 135 Elizabeth Way – Expressed concern about stormwater issues with a lot adjacent to his property. He's concerned about health hazards. He suggested not allowing concrete driveways and patios because the water is going to drain to the low-lying lots.

Shadi Makarechi, 100 N. Ocean Dr. & 1206 S. Ocean Dr. – Thanked the Mayor and the Council for the open forum for the public to express their opinions and thanked the Chief for creating a community presence. He mentioned that with regard to qualified voters, it is not fair that LLCs cannot vote. He would like to see this changed.

Billy Bonbright, 139 Brandywine Dr. – Concerned about streamlining the council meetings and questioned the posting of committee reports. He expressed concerns about the police department.

Darren Donohue, 131 Petherton Dr. – Stated that if the Town doesn't have police on Route 1 doing radar, there will be cars going up and down Route 1 at 70 or 80 miles an hour. He indicated that there are a lot of people that are going to rally behind the police department. He stated that the State Police are not going to be first responders or do radar.

Robbie Callaway, 240 Bayshore Dr. – Mr. Callaway referred to a threatening email that was sent to Mayor Saxton, the Town Council and Town Manager. Mr. Callaway commented that the Chief, as a law enforcement officer, may want to investigate who sent the email.

Derek Abbott, 134 Petherton Dr. – Encouraged Council to make public their needs regarding the police issue because there are resources that can be brought to bear to help Council with the situation.

Dan Danese, 145 Brandywine Dr. – Commented that property owners who are not full-time residents are concerned with the state of the police force.

Mayor Saxton commented that there are many rumors and that the Mayor and Council members do not want to get rid of the Police Department and that was stated very clearly at the November 9, 2018, meeting. He stated that many of these things are personnel issues that cannot be discussed publicly. The Mayor reiterated that the Chief has the authority to hire two people. He stated that he has no intention of bringing forward a referendum to get rid of the police. He also stated that the police reports are attached to the Town Manager's report which is posted on the Town's website under Leadership and Committee Reports. He stated that the Town should never get in a situation again where taxes have to double. The Mayor addressed Mr. Reitzel's comments regarding drainage. He stated that there is a new ordinance that requires owners to bring their lot up to the center of the road when building improvements occur. Mayor Saxton asked the Town Manager to follow up on Mr. Reitzel's complaint.

Councilwoman Callaway said that this issue with the police has gone on for almost two years and there has been tremendous amounts of emotional and thought-provoking conversations. The Town is very much trying to reach a resolution and get things moving forward. Councilmember Callaway said she wants to see a cost-effective, efficient, well-managed police department.

Mayor Saxton reiterated that the intention of every Councilmember is to keep the police department. He stated that the rumors about getting rid of the police department are false and were not started by this Council or this Mayor.

Councilmember Oliver suggested the public read the CPSM study and the Warren study.

### **ADJOURNMENT**

Motion by Councilmember Boteler, seconded by Councilmember Weisgerber, to adjourn the December 14, 2018, Town Council Regular Meeting at 8:30 p.m. Motion unanimously carried.

phs:2018 12 14 Regular Meeting Minutes Amended and Approved 2 8 19