

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
JULY 10, 2020**

**This meeting was conducted electronically pursuant to Governor Carney's State of  
Emergency declaration, effective March 13, 2020, as amended.**

**MEETING CALLED TO ORDER**

Mayor Saxton called the July 10, 2020, Town Council Regular Meeting to order at 10:00 a.m.

**ATTENDANCE**

Councilmembers Derek Abbott, Randy Bartholomew, Sue Callaway, Dick Oliver, Carol Stevenson, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; and Administrative Assistant Pam Smith.

**ADOPTION OF MINUTES**

June 12, 2020, Town Council Meeting: Motion by Councilmember Oliver, seconded by Councilmember Abbott, to accept the June 12, 2020, Town Council Meeting Minutes. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

June 12, 2020, Executive Session: Motion by Councilmember Oliver, seconded by Councilmember Abbott, to accept the June 12, 2020, Town Council Executive Session Minutes. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

June 12, 2020, Town Council Regular Meeting: Motion by Councilmember Oliver, seconded by Councilmember Abbott, to accept the June 12, 2020, Town Council Regular Meeting Minutes. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

June 25, 2020, Town Council Workshop Meeting: Motion by Councilmember Oliver, seconded by Councilmember Abbott, to accept the June 25, 2020, Town Council Workshop Meeting Minutes. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

**DISCUSSION AND POSSIBLE VOTE TO APPOINT CHRISTI BERNLOHR, MAUREEN WEBSTER, AND INGRID MOORE AS MEMBERS OF THE COMMUNITY ENHANCEMENT COMMITTEE**

Motion by Councilmember Callaway, seconded by Councilmember Oliver, to appoint Christi Bernlohr, Maureen Webster, and Ingrid Moore as members of the Community Enhancement Committee. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

**UPDATE ON COVID-19 AND THE TOWN AND DISCUSSION AND POSSIBLE VOTE ON SUMMER ACTIVITIES**

The Communications and Public Relations Committee voted to cancel the movie night and the bonfires this year. The Community Enhancement Committee has also decided to cancel the 10<sup>th</sup> Anniversary Celebration of the Adopt-A-Canal/Road End Program that was scheduled for July 25.

There was a discussion regarding a complaint by a resident about alcohol on the beach and possible underage drinking issues. Mayor Saxton said the Town needs to continue to observe this and if needed Council will look at it at the end of the summer. Councilmember Stevenson questioned if this type of gathering would require a beach party permit.

The Town is following the guidelines from the State of Delaware which require vigilance with masks and social distancing. Councilmember Oliver asked if there are any cases of Covid-19 with South Bethany lifeguards and Town Manager Hartman said that there were none. Mayor Saxton stated that there are no cases in the Police Department either and that both leaders are doing an excellent job.

**DISCUSSION AND POSSIBLE VOTE ON APPROVAL TO EXTEND EXISTING MEDIACOM AGREEMENT FOR RENEWAL NEGOTIATIONS – RESOLUTION NO. 3-20**

Mayor Saxton clarified that this is not a renewal of the agreement but an extension that allows us to continue negotiations with Mediacom until October 1. Councilmembers Oliver and Callaway, Mayor Saxton, and Town Manager Hartman have been meeting as a group with Mediacom and they feel they are making some progress with them. Their goal is to resolve issues expressed in the survey results. Councilmember Callaway reviewed the following report:

***Follow-up Report to the 2020 South Bethany Mediacom Survey  
July 10, 2020  
Prepared by Sue Callaway***

- *The 2020 South Bethany Mediacom Survey results were posted on the South Bethany website – both graphic data and categorized narrative responses were posted in June 2020.*
- *On June 19, 2020, Mayor Saxton, Mayor Pro-Tem Callaway, Councilman Oliver and Town Manager Hartman held a virtual meeting with Christopher Lord, Mediacom Communications, Government Relations Manager, Coastal Region to discuss the survey results. The purpose of the meeting was to clearly present the views and opinions of the South Bethany property owners. At the meeting, the group reviewed the data and comments thoroughly as well as the recommendations for follow-up prepared by Sue Callaway and approved by the Town Council at its June meeting. At the conclusion of the meeting, Mediacom agreed to develop an action plan to address the concerns of South Bethany citizens and demonstrate their intent to resolve existing problems prior to agreeing to a new local franchise agreement.*
- *On June 23, 2020, the group received a letter from Christopher Lord, describing Mediacom's five-point plan to better serve the South Bethany community. At a virtual meeting held on July 9, 2020, Christopher Lord provided an update on each of the five points.*
  - **1) Area Drive Out** – *Mediacom technicians are reviewing all cable attachments, cable lines in the ground, pedestals, lockboxes and other Mediacom equipment to ensure everything is in-line with industry standards. In addition, they are prioritizing repairs.*

**Update:** *They have completed a full drive out and inventory of their entire plant in the town limits of South Bethany. They continue to fix infractions. The town will receive a full list within 30-60 days of the issues and repairs.*
  - **2) Equipment Review** – *They will review all the high-speed Internet modems and digital boxes in the South Bethany area to ensure all equipment is up to date. They will contact customers to upgrade their modems if any do not meet the DOCSIS 3.0 compliant or greater.*

**Update:** *They have reviewed all customers' equipment and have replaced any out of date Mediacom modems. An audit of video equipment will also be conducted.*

- **3) Seasonal Rates:** - They are currently preparing a flyer for seasonal rates as soon as the rates are official. This will be sent out with the monthly billing statement. They will ensure that all customer service representatives are well-versed on the seasonal plan to eliminate confusing communication. The flyer will be made available to the town and will be posted on the South Bethany website. We were assured that the seasonal flyer will provide clear information regarding the equipment process.
- **4) Network Analysis:** - Mediacom will conduct a complete network analysis of the South Bethany plant to make sure all equipment and signals meet Mediacom's stringent and industry standards.

**Update:** - Mediacom is in the process of conducting this analysis and will provide an update within 30-60 days. Results of the analysis will be provided to the town.

- **5) Survey Follow-Up Calls:** - Mediacom will increase its number of follow-up calls to customers for installation and trouble calls completed in the area. This allows customers to provide feedback on the appointment as well as any existing concerns.

**Update:** Follow-up calls have been made and will continue to be made.

*In summary, we have developed an action-oriented, open and honest line of communication with Christopher Lord and his team – including Pat Hynes, the local area manager. We will schedule another meeting with Christopher Lord in one month to continue our assessment of progress being made that clearly demonstrates that the quality of Mediacom service delivery and associated costs has improved.*

*In addition, the Town Manager, Maureen Hartman, has agreed to accept emails from property owners who have attempted to resolve Mediacom issues and problems multiple times with unsatisfactory results. The Town Manager will in turn reach out to our local Mediacom contact to request assistance and follow-up with the problem situation.*

Council agreed to post the report on the Town's website. Mayor Saxton said the group told Mediacom that improvement needs to be seen before the Town signs the contract. Mayor Saxton and Town Manager Hartman stated that the Towns of South Bethany, Bethany Beach, Ocean View, and Millville reached out to Comcast early on, and Comcast stated, at the time, that they had no interest providing service to South Bethany.

Motion by Councilmember Abbott, seconded by Councilmember Bartholomew, to adopt Resolution No. 3-20, Extending the Term of the Cable Franchise Granted to Mediacom Delaware LLC. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

### **LEADERSHIP REPORTS – REPORTS POSTED ONLINE**

Town Manager Hartman added to her report that she and Finance Director McDorman have been moving forward on getting the meeting room audio updated. Mayor Saxton said the goal is to put in the appropriate equipment for virtual participation going forward.

### **COMMITTEE AND COMMISSION REPORTS – REPORTS POSTED ONLINE**

Budget and Finance Committee – Councilmember Bartholomew stated that the Budget and Finance Committee will be meeting on July 20 at 9 a.m.

Canal Water Quality Committee – Councilmember Weisgerber said he has received four candidates that are interested in joining the Canal Water Quality Committee. He reported that the

harvester has been in our canals and cleaned up the algae blooms and thanked Town Manager Hartman and property owners who emailed DNREC reporting the algae blooms.

Councilmember Bartholomew said he has identified three individuals and is working on a fourth for the ad hoc FEMA committee. Committee members will be appointed at the next Town Council Regular Meeting.

### **PUBLIC COMMENT**

Al Behar, 104 Anchorage Dr. – Stated that he has had a lot of Mediacom connectivity issues and that Mediacom is talking about installing a node in the neighborhood. He requested that the Town press Mediacom for another node.

Mark Damato, 116 Anchorage Dr. – Is also experiencing connectivity issues and hopes Mediacom can step up and address the issues. Thanked Councilmember Callaway for staying on top of the issue.

Ria Malinak, 1 N. 5<sup>th</sup> St. – Regarding internet services, asked if anything can be done for other companies to have an interest in coming to South Bethany. Mayor Saxton stated that no other companies have an interest to come into Bethany Beach, Ocean View, and South Bethany. Councilmember Oliver said the infrastructure is Mediacom's property and if another company came in they would have to buy Mediacom's infrastructure or install their own which is expensive.

Peter Zeidenberg, 125 Elizabeth Way – Commented that this past month he has noticed vehicles pulled over on Route 1 for speeding and that African Americans who were stopped, were out of the car and the car was being searched. Mr. Zeidenberg said he never saw white drivers who were stopped out of the car and their cars being searched. Mr. Zeidenberg noted that he sent an email to the Council regarding his concern. Mayor Saxton said the Town has responded to his emails and offered to meet. Mayor Saxton emphasized that the Police Department has policies and the officers have been trained, and are being retrained, on those policies noting Mr. Zeidenberg's comments around stops. Mr. Zeidenberg thinks a discussion with the Police Chief and the Council's awareness of the issues is a good start. Mayor Saxton said to be fair to the Police Department we don't know why the stops were made. Mr. Zeidenberg acknowledged that he was unaware why the stops were conducted.

Benjamin Rubin, 434 Black Gum Dr. – Commented on cell phone coverage, cable coverage and the amount of people now working from home. Mayor Saxton said the Town has had some inquiries about putting in 5G antennas on Route 1 which would probably reach the beach but would probably not reach Black Gum Dr. Town Manager Hartman said the Town had an inquiry from AT&T for placement on Canal Dr and we can see if Verizon has an interest.

Tom Roche, 141 Henlopen Dr. – Asked if any 5G antennas have been installed. Town Manager Hartman said they are doing that on Route 1. It took a while for them to work with DeIDOT because it is in DeIDOT's right-of-way.

Ron Jackey, 144 Henlopen Dr. – Requested information on the Mediacom outage. Town Manager Hartman stated that Mediacom said the outage was due to the storm. Mr. Jackey would like to understand what Mediacom has given the Town with regards to their service levels, number of outages, and some metrics around this issue in order to remediate what can be done.

Sue Callaway, 240 Bayshore Dr. – Stated the following: *For the record I want to make it clear that I completely support Chief Jason Lovins. He exhibits strong leadership ability. He is a man of integrity. In his year of service in South Bethany I have witnessed these characteristics and his unconditional support for the South Bethany community. We are very fortunate to have him, and I want it noted publicly. Thank you.* Councilmembers Weisgerber, Abbott, and Oliver agreed. Mayor Saxton commented that it is probably unanimous all of us have seen the quality of work that has been done in this Town and the significant improvements that have been made in one year.

**ADJOURNMENT**

Motion by Councilmember Oliver, seconded by Councilmember Abbott, to adjourn the July 10, 2020, Town Council Regular Meeting at 11:05 a.m. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

phs:2020 07 10 Regular Meeting Minutes Approved 8/14/20