

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 11, 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 September 11, 2020, Town Council Regular Meeting to order at 10 a.m.

ATTENDANCE

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

ADOPTION OF MINUTES

August 14, 2020, Town Council Regular Meeting: Motion by Councilmember Oliver, seconded by Councilmember Abbott, to accept the August 14, 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.

August 27, 2020, Town Council Workshop Meeting: Motion by Councilmember Abbott, seconded by Councilmember Oliver, to accept the August 27, 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.

MOMENT OF SILENCE

Mayor Saxton called for a moment of silence in honor of those who lost their lives on 911 in New York City, Shanksville, and the Pentagon.

DISCUSSION AND POSSIBLE VOTE TO IMPLEMENT CRS ORDINANCE CHANGE

This item was discussed at the August 27, 2020, Town Council Workshop Meeting and was brought forward to this meeting for a decision on whether to move forward with adding language to the Town's ordinance to mandate 1 foot of freeboard for new construction and substantial improvements. It was noted that adding the language does not guarantee the Town a Class 8 Community Rating System (CRS) rating because credits for the higher standards continue to be taken away. After discussion, Council agreed not to make changes to the ordinance.

DISCUSSION AND POSSIBLE VOTE ON APPROVAL OF THE SECOND EXTENSION OF THE MEDIACOM AGREEMENT FOR RENEWAL NEGOTIATION - RESOLUTION NO. 4-20.

Mayor Saxton stated that the group (Mayor Saxton, Councilmember Callaway, Councilmember Oliver, and Town Manager Hartman) continues to work with Mediacom towards Mediacom's completion of the five-point plan to better serve the South Bethany community. Mayor Saxton stated that the group is making progress, but more time is needed.

Motion by Councilmember Oliver, seconded by Councilmember Abbott, to adopt Resolution No. 4-20, extending the term of the cable franchise granted to Mediacom Delaware LLC to January 1, 2021. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

Councilmember Callaway suggested the group meet prior to December since the extension ends January 1.

DISCUSSION AND POSSIBLE VOTE ON THE TYPE OF LIGHT POLE FIXTURES (DECORATIVE VS STANDARD ALUMINUM) SELECTED FOR THE ROUTE 1 MEDIAN AS REQUIRED BY DELDOT.

Mayor Saxton noted that the Budget and Finance Committee did the vetting and provided Council with a recommendation since the initial time this topic came to Council. Councilmember Callaway requested that her presentation be placed in the minutes. Councilmember Bartholomew will present financial implications, and Budget and Finance Committee members will be given time to comment.

DELDOT LIGHTING PLAN FOR ROUTE 1 MEDIAN, presented by Councilwoman Sue Callaway

In the fall of 2019, the DE Department of Transportation made a decision to install pole lighting along the Route 1 Median from Rehoboth Beach to South Bethany. DELDOT's goal is to create a safer roadway for cars, bikes and pedestrians.

Under their plan, DELDOT will install 29 twin light fixtures within our Route 1 median - spaced approximately 130 feet apart from each other. In November 2019 the Town Council voted on which of the two light fixture options DELDOT presented to us - 1) install standard industrial aluminum poles at no cost to the town or 2) install decorative light poles with a cost to be absorbed by the town. No matter which design option is selected, each town is responsible for all future maintenance and electrical costs associated with the lights. The Council was provided a photograph of the standard aluminum fixture and a design sketch of the decorative fixture. In addition, the B&F Committee reviewed the costs associated with either design option to make recommendations to the Council. After review, the Council voted to go with the standard industrial aluminum fixture as opposed to spending the \$90K on the decorative lights. However reluctantly, I was one of the TC members who voted for the standard lights.

As installation of the lights in Dewey Beach and Bethany Beach was completed and I saw the clear distinction between the two, I began to seriously regret the vote I cast last November. The photo and the sketch we reviewed previously were nowhere near the 2020 real time view of the light fixtures. Although the town had already signed the agreement - yet no work had begun south of Bethany Beach - I asked Mayor Saxton to place it on the agenda so we could revisit that November decision. He agreed and on Wednesday, Kyle Clevenger, Senior Project Engineer for the initiative, agreed to our request to have additional time to re-consider the previous agreement. We must submit our final decision early next week.

The 2020 real life visual difference and impact is demonstrative. We have a one-time only choice to make today - a choice that will be in South Bethany for at least the next 30 years. We have one shot to get it right. I am not minimizing the fact that \$90K is a lot of money - nor am I advocating to do this instead of other important projects - but this is not a financial decision that we can put off to next year or the year after or plan to save for. Work on the lights will begin this year. Our choice is to have 29 twin arm industrial aluminum style light poles installed or 29 twin arm warm and welcoming light poles installed that better reflect our South Bethany community. We are not Dewey Beach and we are not Bethany Beach. This is South Bethany's Main Street and whether you live here or rent here or are just passing through on your way north or south - day or night - the lights will leave you with an impression every time you drive by. Once they are installed they are INSTALLED. We have worked very hard over the years to improve and enhance our Main Street median. This is not a discussion about having or not having lights in the median - that decision has been made for us - but this is about what lights we want on our Main Street for many years to come. It truly is a long-term investment in our community.

I have asked Councilman Randy Bartholomew, chair of the Budget & Finance Committee, to review the budget and present options for the \$90K expenditure for the decorative light fixtures. Mayor Saxton I will defer back to you as to how you wish the discussion to proceed.

Councilmember Bartholomew stated that the two options the Town has to fund the \$90K expenditure would be the operating reserve and the Asset Replacement Maintenance Fund (ARM).

He explained that the operating reserve represents four months' worth of annual operating budget revenue. Taking \$90,000 from the operating reserve would reduce the operating reserve to three and a half months' worth of annual operating budget revenue. Councilmember Bartholomew recommends using the ARM to fund the decorative lights and go back to the Budget and Finance Committee to determine what the methodology should be to replenish the ARM.

Budget and Finance Committee Member Joe Mormando stated that the committee has been diligent in putting together a capital plan and lighting was not included per a previous vote. He has an issue on spending \$90,000 when other things have been put on hold. Mr. Mormando stated that the ARM should be used to fund capital projects such as canal water quality, street maintenance, and beach access.

Budget and Finance Committee Member Don Boteler said he is fond of the look of the decorative lights, but he would have a hard time going against his prior vote without serious reconsideration of the capital plan and where the tradeoffs should be.

Budget and Finance Committee Member Chris Keefe stated that taking \$90,000 out of the ARM would impact other capital projects such as beach walkways and the replacement of four police cars which are overdue. The Town has much more than \$90,000 in capital expenses the next two years as well as a canal water quality issue for which little funding has been set aside.

Mayor Saxton stated that he is not one that likes to revisit votes that were already taken, and he believes that when Council voted on the lights in November 2019 the Town was probably in a better financial position than it is today. Council had the opportunity to put the lights into the prioritization for spending in the capital budget and Council chose not to. Mayor Saxton said he worries about changing the decision that was fully vetted and fully understood. Mayor Saxton said the purpose of the ARM is to fund things so that the Town doesn't have to go into the operating budget and to minimize the impact on taxes within this town. To fund the ARM, the Town's revenues must be greater than expenditures at the end of the year. Mayor Saxton said the ARM is fully funded and he is opposed to taking money out of the ARM at this point. Mayor Saxton stated that if \$90,000 is taken out of the ARM for decorative lights and if the Town does not make budget to be able to fund the ARM at approximately \$100,000, the ARM will be underfunded \$190,000. Mayor Saxton said he is concerned about spending additional funds at a time when he is not confident the Town will break even. Mayor Saxton added that the operating reserve is not there to fund projects. It is there to allow the Town to operate while trying to get things cleaned up after a bad storm.

After Council discussion, a motion was made by Councilmember Callaway, seconded by Councilmember Stevenson, to approve the decorative lighting plan for the Route 1 median as proposed by DeIDOT. In response to a question by Councilmember Weisgerber, Mayor Saxton clarified that the motion is to approve spending \$90,000 on decorative lights for the Route 1 median. FOR THE MOTION: Councilmembers Stevenson, Callaway, and Bartholomew. AGAINST THE MOTION: Councilmembers Weisgerber, Oliver, Abbott, and Mayor Saxton. The voting result was 3 in favor and 4 against. The motion was defeated.

LEADERSHIP REPORTS – REPORTS POSTED ONLINE

COMMITTEE AND COMMISSION REPORTS – REPORTS POSTED ONLINE

Canal Water Quality Committee – The jets (pilot canal end air injection mixer) to help improve oxygen levels in the Petherton Canal were installed and activated but were shut down due to noise issues. Councilmember Weisgerber has a meeting today to hopefully have the noise issue resolved and to make sure the jets are positioned as agreed upon.

PUBLIC COMMENT

Carmine Pilla, 203 Anchorage Dr. – Inquired if there was an update on the discussion regarding Town Code Chapter 30, Animals. Councilmember Stevenson said work continues on writing an

ordinance to tighten up the Town regulations. The next step is to meet with the Town Solicitor for her input.

ADJOURNMENT

Motion by Councilmember Abbott, seconded by Councilmember Oliver, to adjourn the September 11, 2020, Town Council Regular Meeting at 11:30 a.m. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

phs:2020 09 11 Regular Meeting Minutes Approved 10 9 20