

Town Of Dewey Beach

Minutes of April 14, 2012

Town Council Meeting

A regular meeting of the Dewey Beach Town Council was held at 9:00 a.m. on Saturday, April 14, 2012, at the Dewey Beach Lifesaving Station.

Mayor Hanson called the meeting to order and led the Pledge of Allegiance.
Mayor Hanson asked for a Moment of Silence.

Present: Mayor Diane Hanson, Commissioners Jim Laird, Martin Seitz, Anna Legates, and Joy Howell, Town Attorney Fred Townsend, Town Manager Bob Stickels, Former Acting Town Manager Jim Dedes and Chief Sam Mackert.

ADOPTION OF THE AGENDA

Mayor Hanson stated that she would like to change the order of two items on the agenda. She stated that #3 should be #1 on the agenda and #7 would be # 4.

Commissioner Seitz made the motion to adopt the agenda with the amendments stated. Commissioner Laird seconded.

The motion carried unanimously.

APPROVAL OF MINUTES

March 10 Town Council Meeting Minutes

Commissioner Legates made the motion to approve the March 10 minutes. Commissioner Seitz seconded.

The motion carried unanimously.

ANNOUNCEMENTS

Mayor Hanson introduced Bob Stickels as the new Dewey Beach Town Manager.

Mayor Hanson presented Todd Fritchman, Captain of the Dewey Beach Patrol, with a Service Award. She stated that he developed a Dewey Beach Patrol handbook and received a letter from Wendy Carey, Delaware Sea Grant College, commending him and

the Dewey Beach Lifeguards for the great job they have done. She thanked him for all his hard work in keeping the beaches safe and having a perfect safety record.

Mayor Hanson thanked Jim Dedes for all his hard work as the acting Town Manager. She also commended Chief Mackert for obtaining re-embursement for the town of \$17,000 that was spent for Hurricane Irene.

Mayor Hanson stated that the banner from the Storm of '62 award had been stolen from the Life Saving Station. Commissioner Howell stated that the banner would be replaced by donations from the public.

PRESENTATION:

Parking System Proposal and meter locations on Van Dyke, Dickinson, Collins and New Orleans Streets.

Commissioner Laird stated that the town has a proposal before it that would bring 7 kiosks into the town that would allow the visitors to use credit and debit cards as well as coins. He stated that the 7 kiosks that would be distributed with two on Van Dyke, three on Dickenson and two on Dagsworthy. He stated that the proposal also included the ability to have hand held ticket writers. He stated that the police department may be able to enhance their operations by possibly having a reduction in force and reallocation of those people in the future. He stated that with this system the town is going from 180 to 280 meters and most of that would be on Van Dyke and Collins.

Mayor Hanson asked if the town was losing any permit spaces. Commissioner Laird stated that there would be 2 additional permit spots on Collins.

Commissioner Legates stated that she received emails from residents that they would prefer Collins without the parking meters because of the late night noise that came from alcohol induced patrons. She asked what the Van Dyke parking was back in 2010 and prior.

Commissioner Laird stated that on the south side of Van Dyke there had always been permit parking per Deldot regulations. He stated that historically there have been 12 spots there and 4 of those are in Deldot's area.

There was a lengthy discussion on the topic.

Commissioner Howell stated that she thanked Commissioner Laird for all the work he has put into this project and she wanted to be clear on what the goals are. She stated that there were two that she is aware of:

1. That there needs to be more parking capability down near the businesses, Nalu, Port, Whiskey Beach, and Ruddertowne
2. To capture additional revenue from having more meters in general.

She asked if there were additional goals.

Commissioner Laird stated that other goals are the capability that it gives the police department in terms of moving forward in technology and also the capability for budget and finance to have more data on what the town's finance is in this area.

There was additional discussion on the topic.

Mayor Hanson stated that there have been several complaints from residents at the Marina View and The Cove. She stated that their concern is that this is primarily a residential area and there should not be meters in residential areas. She stated that their concerns were that the spaces would be used mainly at night; there would be people in the area at very early morning hours with loud noise, screaming obscenities, urinating in public and leaving beer cans and trash in the area creating an unpleasant environment for the residents who live there.

Bob Stickels, Town Manager, entered into the record an email letter from Cathy Diver, Marina View resident, who does not support meters on Collins bayside. He entered into the record a letter from Ellen Danaher, 11 Swedes St, stating that she is in opposition to item # 3 on the agenda ref parking meters. He entered into the record an email from Diane Lieberman, Marina View resident, in opposition to the parking meters. He entered into the record a hand signed email from Mr. Raim addressed to mayor and council in opposition to the changes on Collins.

There was a lengthy discussion on the topic.

Chief Mackert stated that he has spoken with his command staff about possibly adding more police coverage in that area on Collins St where the concerns are about the noise. He stated that possibly the meters could be placed closer to Coastal Hwy instead of the residential part of the street.

Commissioner Laird stated that there were previously 22 meters on that street to the bay. He stated that the plan is to cut that in half with 10 and 10 on each side so that the foot traffic isn't down the entire street. He stated that he thought it was a great compromise and there will be 2 less meters on the street than there was before

Bob Stickels, Town Manager, stated that two ways of purchasing the system had been considered. One being the 3-year lease that would cost \$154,958.62 and an outright

purchase, which would include everything, would cost \$147,913.00. He stated that there seemed to be dissention and asked Council if it is what they would like to do.

Mayor Hanson stated that she didn't think there was dissention about the system and that it is more about the location of the meters in that area. She stated that she would be more than happy to support the system, if the number of parking meters is reduced and the ones placed will be placed away from the residences.

There was a lengthy discussion on the topic.

Bob Stickels, Town Manager, stated that in the meeting on March 31 the motion was to purchase the system contingent upon the Town Attorney stating that it was eligible from the Infrastructure Funding. He stated that after looking at Ordinance 689 Section B, the definition did not fit this purchase. He stated that there are two areas of funding. He stated that the Unrestricted General Fund Balance, as of April 1, 2011, has \$895,611.46 that would allow for this purchase and the other is the General Fund Balance of Legal Litigation Funding of \$266,101.73. He stated that his recommendation is to transfer the funds from the Unrestricted General Fund Balance and go with the Lease purchase option.

Jenny Taylor stated that she thinks it is a good idea to move the meters up closer to Coastal Hwy with 10 on each side.

Christopher Lopiano stated that the use of the meters that had been historically on Collins Ave has changed. He stated that the use was commercial but now is residential and he feels that the meters are inappropriate for a residential area. He stated that the first year he lived there meters were there and the next year was permit parking and there was a huge difference. He stated that it is not the door slamming and conversations from people returning to their cars are the problem. He stated that it is the screaming, shrieking, and glass breaking from the bar until 1-2 in the morning. He stated that he has to go out the next morning and pick up all the fast food trash, broken glass, beer cans and the solo cups and it is not an appropriate thing in a residential neighborhood. He stated that one idea could be is for the businesses to sell parking permits to the patrons.

Dale Cooke stated that the loud noise on the street isn't a meter issue but is an enforcement issue. He asked that Council take a look at the overall problems of the town when voting and not to let any one street decide the issue. He stated that the problem should be solved or compromised and then vote the issue in because the town needs the parking meters.

Cathy Diver stated that she does like the recommendation of the 10 and 10 meters on

each side closer to Coastal Hwy, although she would prefer no meters at all.

David King, Budget & Finance Chair, stated that if the Committee had the information on the plan back in January they would have put \$52,000 for cost, \$52,000 for revenue and made the recommendation.

Mayor Hanson stated that she thought the details should be left up to the Town Manager to figure out the use of the system and Council's role is to decide whether or not to approve the system. She stated that also in respect to the residents on Collins the town needs to do its best to keep them away from the residences and possibly consider the 10 and 10 closer to Coastal Hwy recommendation.

Commissioner Howell stated that she would not support the system unless Collins Street was not a part of it.

There was a lengthy discussion on the topic.

Commissioner Seitz made the motion to amend the budget to put in a liability of \$52,000 to pay for a 1-year lease for the Duncan System and put in a line item of \$62,000 as expected revenue from use of the system. Commissioner Laird seconded.

The vote:

Mayor Hanson – Yes

Commissioner Seitz – Yes

Commissioner Howell – Yes

Commissioner Legates – No

Commissioner Laird – Yes

The motion carried 4-Yes to 1-No

REGULAR AGENDA

- 1. Discuss and possibly vote to authorize the mayor to sign a contract for the new parking pay stations, meters mechanisms, hand held citations devices and pay for them from the general fund.**

Summary

- **Collins St. – 20 meters and 21 permit spots**
- **Van Dyke – add 2 kiosks to cover 44 new meter spots**
- **Dickinson - add 3 kiosks and 38 new meter spots (76 total)**
- **Dagsworthy – add 2 kiosk to cover 63 existing meter spots**

- New Orleans – replace 7 meters with updated smart meters
- All of the above on bayside except New Orleans Street

Commissioner Laird made the motion for the Dewey Beach Town Council to authorize the 3-year lease agreement with Duncan Parking Technologies for a parking meter system not to exceed \$154,958 without meters placed on Collins St.

The vote:

**Mayor Hanson – Yes
 Commissioner Seitz – Yes
 Commissioner Howell – Yes
 Commissioner Legates – No
 Commissioner Laird – Yes**

The motion carried 4-Yes to 1-No

- 2. Discuss and possibly vote on administrative charter changes including but not limited to the following;**
 - **Budget approval time change- last day in November to the last day in February for rough draft, and the second Saturday in March instead of December 10. Conforms to our fiscal year.**
 - **Revise Town Manager's term of office**
 - **Revise Acting Town Manager's term of office**

Mayor Hanson stated that these are only administrative changes. She stated that the Budget approval time change is because the budget was changed from the calendar year to be April 1 to March 31 and the Charter still states that the budget has to be approved by the end of November. She stated that the budget cannot be approved until March. She stated that another administrative change is to revise the Town Manager's term of office. She stated that the Charter states that the Town Manager serves for an indefinite term and that is in conflict with the fact that they are given a time frame in the contract of an 18 month term. She stated that also the time frame of 30 days for Acting Town Managers in the Charter should be changed because it is difficult to fill the position of Town Manager that quickly especially if the person has to be relocated.

Council scheduled a workshop with public input on April 27 at 6:00pm to discuss this topic.

- 3. Discuss and possibly vote to approve the Lifeguard Chair sponsorship**

program:

Gary Keith stated that the program was originally conceived by the Budget & Finance Committee. He stated that there are 17 lifeguard chairs on 17 different streets and this is a sponsorship program for the chairs to bring in money for the town and the lifeguards. He stated that the cost for sponsoring a chair for the 2012 season is \$1000 per chair with umbrella.

Commissioner Seitz made the motion to move forward with the Lifeguard Chair Sponsorship program. Commissioner Howell seconded.

The motion carried unanimously.

4. Discuss and possibly vote to authorize Town Chihuahua race on the beach for Cinco de Mayo (May 5) Joe Kane to present.

Joe Kane stated that he felt the town would benefit because would be a fun, family event. He stated that the entry fee would be \$10 with half of the funds going towards prizes for the fastest dogs and the other half going to the lifeguards. He stated that it would also be additional revenue to the town for selling dog licenses for the Chihuahuas.

Commissioner Seitz made the motion to approve the Chihuahuas Races with half the proceeds going towards the prizes and half to the lifeguards. Commissioner Legates seconded.

The motion carried unanimously.

5. Discuss and possibly vote to accept a bid for a 5-year Beach Concession Agreement:

Bill Brown stated that in February bids were solicited for the beach concession contract and the Town received two bids that were from Russell Catts was \$250,000 over a 5-year contract period and from J. David Lynam was \$340,000 over a 5-year contract period. He stated that he recommended that the contract be awarded to J. David Lynam, Lynam's Beach Service, conditioned upon Mr. Lynam providing a 100% performance bond to guarantee the completion of the contract and other contract documents to the town prior to commencing operations. He read a letter of request from J. David Lynam that in regards to the payments he would like to make them in 4 installments instead of 2 installments.

Commissioner Seitz made the motion, Be it moved, having met in public session the Town Council of Dewey Beach awards the five-year Beach Concession Contract to J. David Lynam's Beach Services conditioned upon Mr. Lynam providing a 100% performance bond. Commissioner Legates seconded.

The motion carried unanimously.

- 6. Discuss and possibly vote to appoint Wally Cannon as Elections Inspector for the 2012 election.**

Mayor Hanson stated that she wanted to nominate Wally Cannon as the Elections Inspector for the 2012 election.

Mayor Hanson made the motion to appoint Wally Cannon as Elections Inspector for the 2012 election. Commissioner Howell seconded.

The motion carried unanimously.

- 7. Discuss and possibly vote on recommendations for Alderman and Assistant Alderman to send to the Governor's office for appointment:**

Mayor Hanson stated that she would like to recommend Catherine Hester as Alderman and Donna Whiteside as a possible alternative, to be sent as recommendations to the Governor's office for appointment.

Commissioner Seitz stated that he recommended sending only one name up for consideration.

There was a lengthy discussion on the topic.

Commissioner Seitz made the motion to approve the resolution naming Catherine Hester as recommended Alderman to the Governor's Office. Commissioner Howell seconded.

The motion carried unanimously.

- 8. Report on the Status of the Town of Dewey Beach 2012 Comprehensive Plan Update:**

Commissioner Howell stated that John Pardee, Cricket, Jones, & Elliott, was retained to give an overall analysis of the Comp Plan, Land Use and Litigation. She stated that he had done a preliminary analysis and has recommended that an update be done of the Comp Plan. She stated that he will give a comprehensive analysis with the specific areas that need to be addressed. She stated that a working group should be appointed and to begin the public hearing process.

9. Discuss and vote to support the annual KENTucky Derby Melanoma Fund Raiser May 5, 2012-May is National Melanoma Month:

Mayor Hanson stated:

Diane Hanson, Mayor of Dewey Beach, does hereby proclaim this month of May as Melanoma Awareness Month in Dewey Beach, Delaware, in memory of Kent McCullough, and urge fellow citizens to observe this month by learning about prevention and early detection of potentially deadly skin cancer and by helping the Melanoma Research Foundation to find new and effective treatments and a cure for Melanoma.

REPORTS

- **Police** – Chief Mackert stated that the enforcement activity is up for traffic as opposed to this time last year and there were no significant events this month to report.
- **Finance** – Bill Brown stated that the bottom line is the Town has been able to generate \$32,434 in excess revenue over expenditures.
- **Town Manager** – Bob Stickels stated that he had gotten a signed agreement from Waste Management who has agreed to continue waste service removal through the summer at the same price under the 2010 agreement. He stated that on October 15 the town will go out for bids for the contract. He stated that he would like to prepare a policy for Council's consideration on written public comments via email that are to be entered into the record.
- **Town Attorney** – **Nothing to report**
- **Infrastructure** – Don Gritti stated that the Infrastructure Committee recommends that the remaining funding from an energy efficiency grant that the Town has in total of \$55,000 be allocated to a bid to replace as many lights in the median of Coastal Hwy that could be done. He stated that there is a bid package from Remington Vernick and Beach Engineers to go out to bids this week for 24 fixtures to be replaced.
- **Marketing** – Gary Keith stated the committee is printing cards to promote Dewey Beach, family events, and free parking on certain nights. He stated there was one quote from a company of \$1800 who would print and distribute them in 100 locations from Fenwick to Lewes.

Commissioner Howell made the motion to authorize the marketing Committee to accept the quote of \$1800 for the printing of the cards. Commissioner Legates seconded.

The motion carried unanimously.

COMMISSIONERS COMMENTS

Commissioner Laird: No comments.

Commissioner Howell: No comments.

Commissioner Seitz: stated that in the March meeting the Commissioners requested that the Planning Commission review the changes on the expansion of facilities ordinance. He stated that he looked forward to the ordinance accommodating the Breast Cancer Fundraiser in October 2012. He stated that the Zoning Code Chapter 185 requires that the Commissioners consult with the Planning Commission if any one Commissioner believes there is a significant change. He said that he felt that this was a significant change. He stated that this is something that would be addressed at the May meeting and was looking forward to being able to support the charity event.

Mayor Hanson: stated that the new doggie bags are in stock and they now have the Dewey Beach Clean Beach logo. She stated the Town is headed in a wonderful direction and now has a new Town Manager. She stated that she would like to invite everyone to a reception for Bob Stickels being held immediately after the meeting.

Commissioner Legates: stated that she wanted the town to be as careful as possible on noticing and allow the people to have enough time to give feedback.

Commissioner Howell made the motion to adjourn the meeting. Commissioner Legates seconded.

The motion carried unanimously.

MEETING ADJOURNED-----

*These minutes are supplemented by an audio-video record of the meeting which will be maintained by Town Hall for reference and can be viewed/heard on the town website. The audio-video records will be purged from time to time.

Respectfully Submitted,

Bob Stickels

Town Manager

Approved: May 12, 2012