

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
DECEMBER 11, 2015**

**MEETING CALLED TO ORDER**

Mayor Voveris called the December 11, 2015, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

PRESENT: Council Members Sue Callaway, George Junkin, Tim Saxton, Wayne Schrader, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; and Administrative Assistant Pam Smith

PARTICIPATING BY REMOTE ACCESS: Leslie Fields, Coastal Geologist, Woods Hole Group

**Motion and Vote:** A motion was made by Councilman Saxton, seconded by Councilman Junkin, to move Agenda Items IV and V to the top of the agenda in order to have the discussion right away with Leslie Fields. The motion was unanimously carried.

**FEMA APPEAL - DISCUSSION REGARDING THE WOODS HOLE GROUP'S RESULTS OF TASK 3. LESLIE FIELDS OF THE WOODS HOLE GROUP WILL BE AVAILABLE FOR A CONFERENCE CALL DURING THE MEETING.**

(Task 3: Develop strategy for appeal of Preliminary FIRMs.)

Leslie Fields, Coastal Geologist, CFM, of the Woods Hole Group reviewed the December 10, 2015, letter from her to Mayor Voveris. The letter can be viewed on pages 2 – 10 of these meeting minutes. During the review of the letter, Ms. Fields answered questions from Council Members and meeting attendees.

After all questions were answered, Mayor Voveris thanked Ms. Fields for her time and explanation and the remote access phone call with Ms. Fields was ended.



December 10, 2015

Pat Voveris  
Mayor, South Bethany  
402 Evergreen Road  
South Bethany, DE 19930

Sent via Email: patvoveris@gmail.com

**Re: Update on Task 3 to Evaluate Revised 2015 FEMA FIRMs for South Bethany**

Dear Ms. Voveris,

Woods Hole Group is providing the following summary of work conducted during Task 3 of the study to evaluate FEMA's Revised Preliminary 2015 FIRMs for South Bethany. If the town decides to proceed with an appeal of the FEMA maps, Woods Hole Group will prepare the scientific and technical documentation for an appeal as defined in Title 44, Chapter I, Part 67 of the Code of Federal Regulations (44 CFR Part 67) before close of the 90-day appeal period on January 20, 2016.

**Task 3: Develop Strategy for Appeal of Revised Preliminary 2015 FIRMs for South Bethany**

*Purpose* – The purpose of Task 3 was to review both sets of modeling results to compare the scientific and technical merits of the two analyses, and select an approach that most accurately demonstrates the flood hazard risks for South Bethany. A secondary purpose of Task 3 was to gather ancillary data and information, not included in the standard FEMA engineering and modeling analyses, which would strengthen the Town's appeal.

*Background* - Previous work conducted for Task 2 found that the Revised Preliminary 2015 FIRMs provide a relatively accurate representation of flood hazard risks in South Bethany prior to the 2008 construction of the USACE/DNREC dune and beach nourishment project. Despite two (2) important engineering inconsistencies in FEMA's 2015 analysis, the revised 2015 FIRMs are representative of the flood hazard risks before the dune project was built. The Revised Preliminary 2015 maps are consistent with post-storm site photos from the 1962, 1992, and 1998 noreasters, all storms that occurred before construction of the 2008 dune/beach restoration project.

Woods Hole Group conducted engineering analyses and modeling, which include the USACE/DNREC dune and beach nourishment project, and show lower flood hazard risks than FEMA's 2015 revised maps (Figure 1). The Woods Hole Group map reflects the following changes to FEMA's 2015 revised study: (i) incorporation of USACE/DNREC dune, (ii) corrected nearshore bathymetry to reflect slopes consistent with USACE measured profiles, and

(iii) application of standard FEMA methods for dune removal based on a cross-sectional area less than 540 sq ft. The Woods Hole Group map is consistent with post-storm site photos from the Nov. 2009 noreaster and hurricane Sandy in Oct. 2012, and is an accurate representation of flood hazard risks to South Bethany during the 1% annual chance event, given the current site conditions.

Based on these findings, the focus of Task 3 was on developing ancillary data and information that support use of the USACE/DNREC storm damage reduction project in the FEMA flood hazard study. At the June 12, 2015 CCO meeting, the following reasons were given by FEMA as to why the dune was not included in FEMA's analysis: (1) the dune was designed to respond to natural variations in waves and water levels and is susceptible to erosion between nourishment cycles, and therefore may not be considered well-established by FEMA; (2) the USACE/DNREC dune was not designed to provide protection for a particular storm event (i.e., 100-yr return period event); and (3) funding for periodic nourishment and post-storm repairs is not guaranteed. Results of the Task 3 work are summarized below.

*Findings* – Woods Hole Group researched the three (3) arguments presented for not considering the dune. This was done by reviewing FEMA's regulations set forth in 44 CFR 50 through 44 CFR 80. Long-term beach profile data and site photos were evaluated for project performance during storms, and the history of dune maintenance by the USACE/DNREC was reviewed. Discussions were held with the USACE and DNREC to better understand their roles in maintenance and funding the Bethany and South Bethany dune/beach restoration project. Research was also conducted on FEMA's consideration of other engineered dune/beach projects in flood zone mapping along the US Atlantic.

- (1.1) The arguments presented by FEMA for not considering the USACE/DNREC dune and beach nourishment project do not appear to be supported by FEMA's regulations. Title 44 of the CFR 65.11(a) addresses evaluation of sand dunes in FEMA's mapping of coastal flood hazard areas, stating that the potential for storm-induced dune erosion is considered by FEMA in determining coastal flood hazards. This section of the CFR further states that the criterion used in the evaluation of dune erosion is applied to primary frontal dunes, but does not apply to artificially designed and constructed dunes that are not well-established with long-standing vegetative cover, such as the placement of sand materials in a dune-like formation. In other words, FEMA has a specific criterion for evaluating dune erosion at primary frontal dunes (44 CFR 65.11(b)), but this criterion does not apply to certain artificially constructed dunes. This regulation does not speak to the more basic decision as to whether or not to consider artificially constructed dunes in determining coastal flood hazards; rather, it identifies the condition of an artificially constructed dune (well-established with long-standing vegetation) that would define how FEMA should apply storm-induced erosion.
- (1.2) Photographs of the dune taken in June 2015 indicate the dune is well-established and contains long-standing vegetation (Figure 2). While the dune has experienced storm-induced erosion by responding to incident coastal processes, this does not mean it is not a well-established feature. Therefore, according to 44 CFR 65.11(a), FEMA's criterion for evaluating erosion at the USACE/DNREC primary frontal dune can and should be applied.

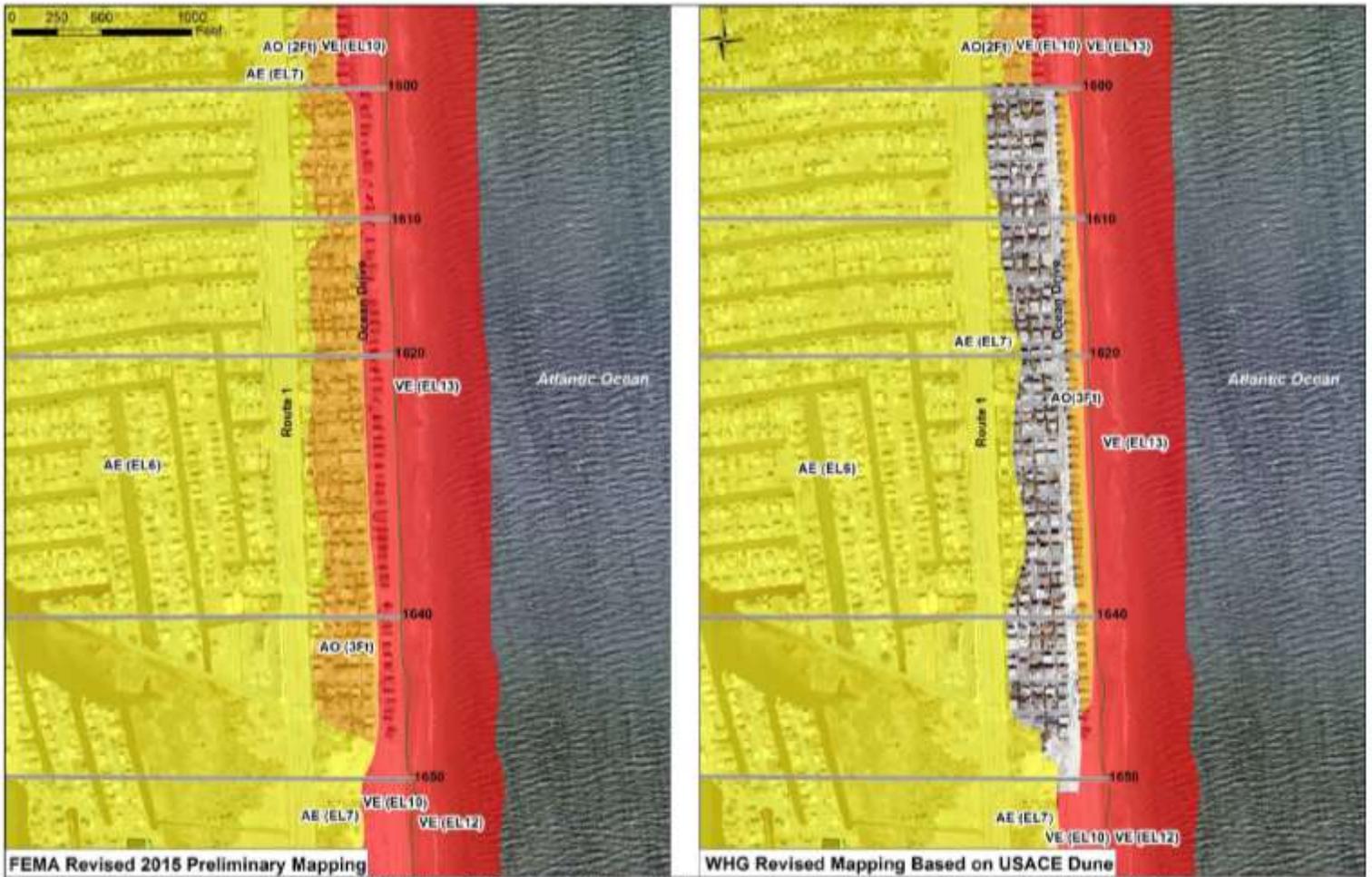


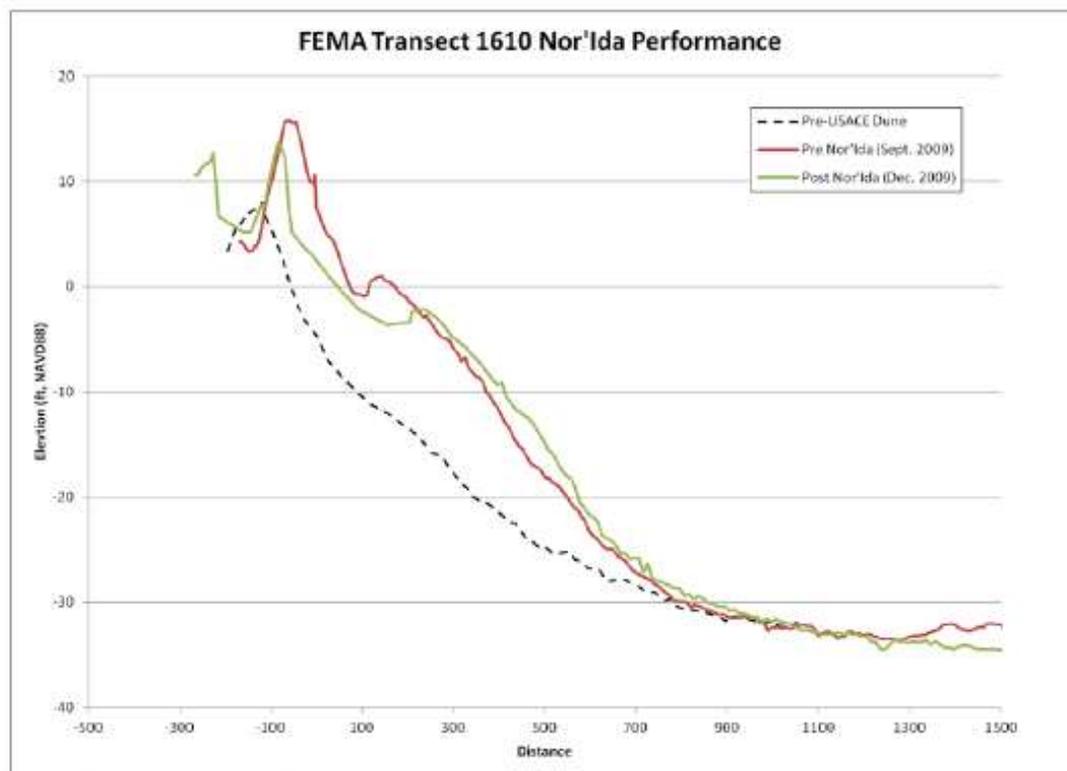
Figure 1. Comparison between FEMA Revised Preliminary 2015 FIRM and Woods Hole Group revised mapping based on consideration of USACE/DNREC dune.



**Figure 2. South Bethany dune in June 2015 showing extent of vegetative cover.**

- (1.3) The revised flood zone mapping produced by Woods Hole Group and shown in the right panel of Figure 1 followed FEMA's criterion for erosion of primary frontal dunes (44 CFR 65.11(b)). Because the USACE/DNREC dune did not meet FEMA's 540 sq ft criterion required to be an effective barrier to the base flood storm surge and associated wave action, FEMA's dune removal method of erosion was followed. This method essentially removed a significant portion of the dune starting at the seaward toe and extending landward at a 1:50 slope. Even with removal of the dune following FEMA's guidelines, the dune provides a significant measure of protection for South Bethany, as illustrated in the revised Woods Hole Group flood zone mapping (Figure 1, right panel).
- (2.1) The USACE/DNREC dune and beach nourishment project at South Bethany was not designed specifically to provide protection for a particular storm event (i.e., 100-yr return period event). However, the Final Feasibility Report and Environmental Impact Statement shows numerical modeling results for the 1% annual chance storm event that indicate lower inundation levels and less erosion for the South Bethany area with the project in place. Thus, the USACE modeling predicted the project would provide a measure of storm damage protection during the 100-yr event.

- (2.2) Performance of the Bethany/South Bethany dune and beach nourishment project has been monitored by the USACE through annual and post storm beach profiling.
- (2.3) Since initial construction the project has survived three (3) major storm events, as well as a number of smaller storms: (i) Nor'Ida on Nov. 12-13, 2009, (ii) Sandy on Oct. 28-30, 2012, and (iii) Joaquin on Oct. 2-3, 2015. Performance of the project during Nor'Ida and Sandy was captured in the USACE profile data. Impacts from Joaquin were also surveyed by the USACE; however, the profile data are not yet available.
- (2.4) Project performance at representative FEMA transects (1610 and 1620) located near the center of South Bethany during Nor'Ida and Sandy is illustrated in Figures 3-6. The data show dune retreat as would be expected during significant storm events. Dune erosion was greatest during Nor'Ida as seen by loss of material from the seaward face of the dune. At Transect 1610 Nor'Ida caused erosion beyond the crest of the dune, lowering the crest elevation by approximately 3 ft to elevation 13 ft NAVD. Impacts from Sandy were considerably less, resulting in loss of material from the face of the dune but no lowering of the dune crest.
- (2.5) While these storms were not considered 100-yr events in the South Bethany area, the profile data clearly demonstrate the protective nature of the USACE/DNREC dune and beach nourishment project during extreme storms of record.



**Figure 3. Dune performance at Transect 1610 during Nor'Ida.**

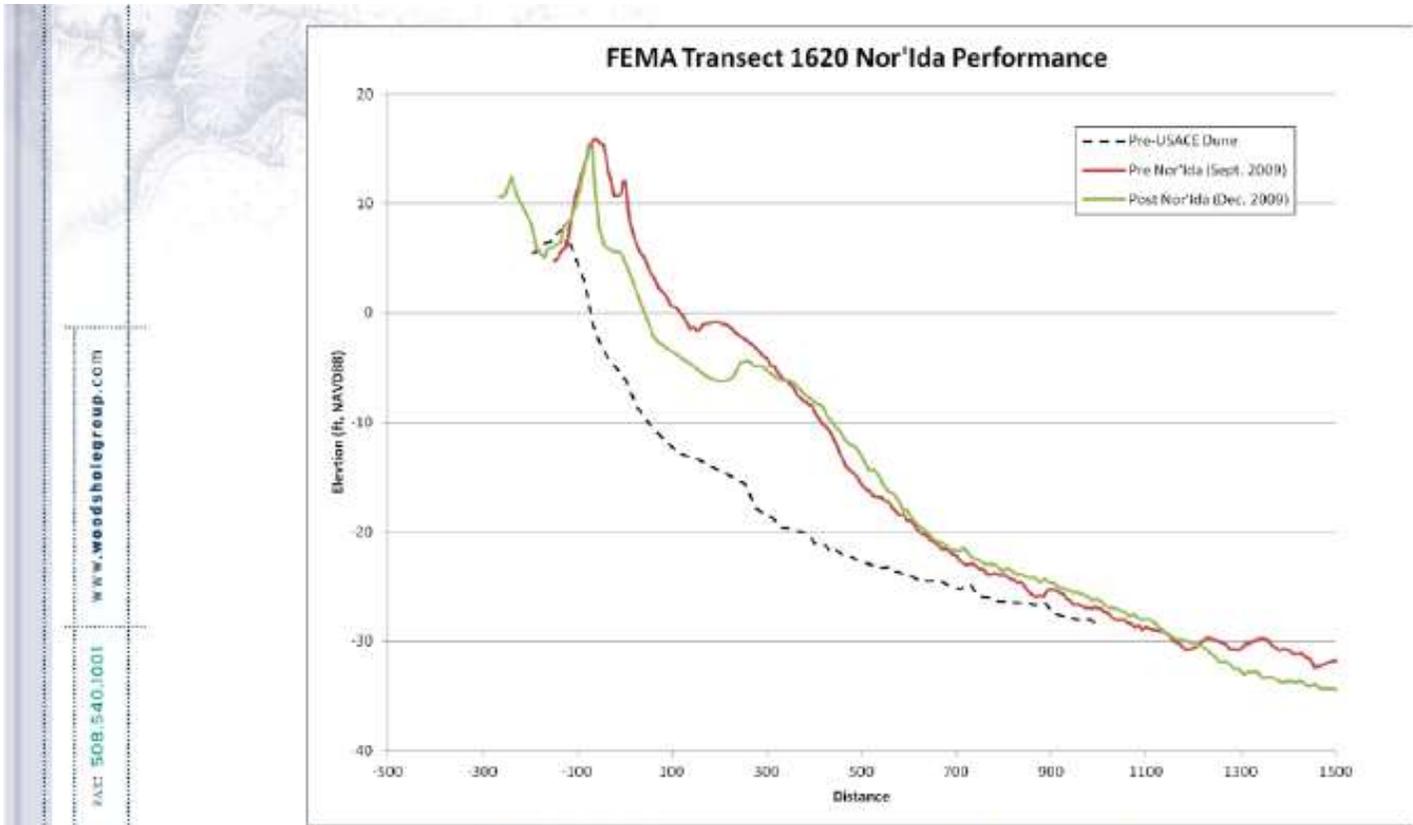


Figure 4. Dune performance at Transect 1620 during Nor'Ida.

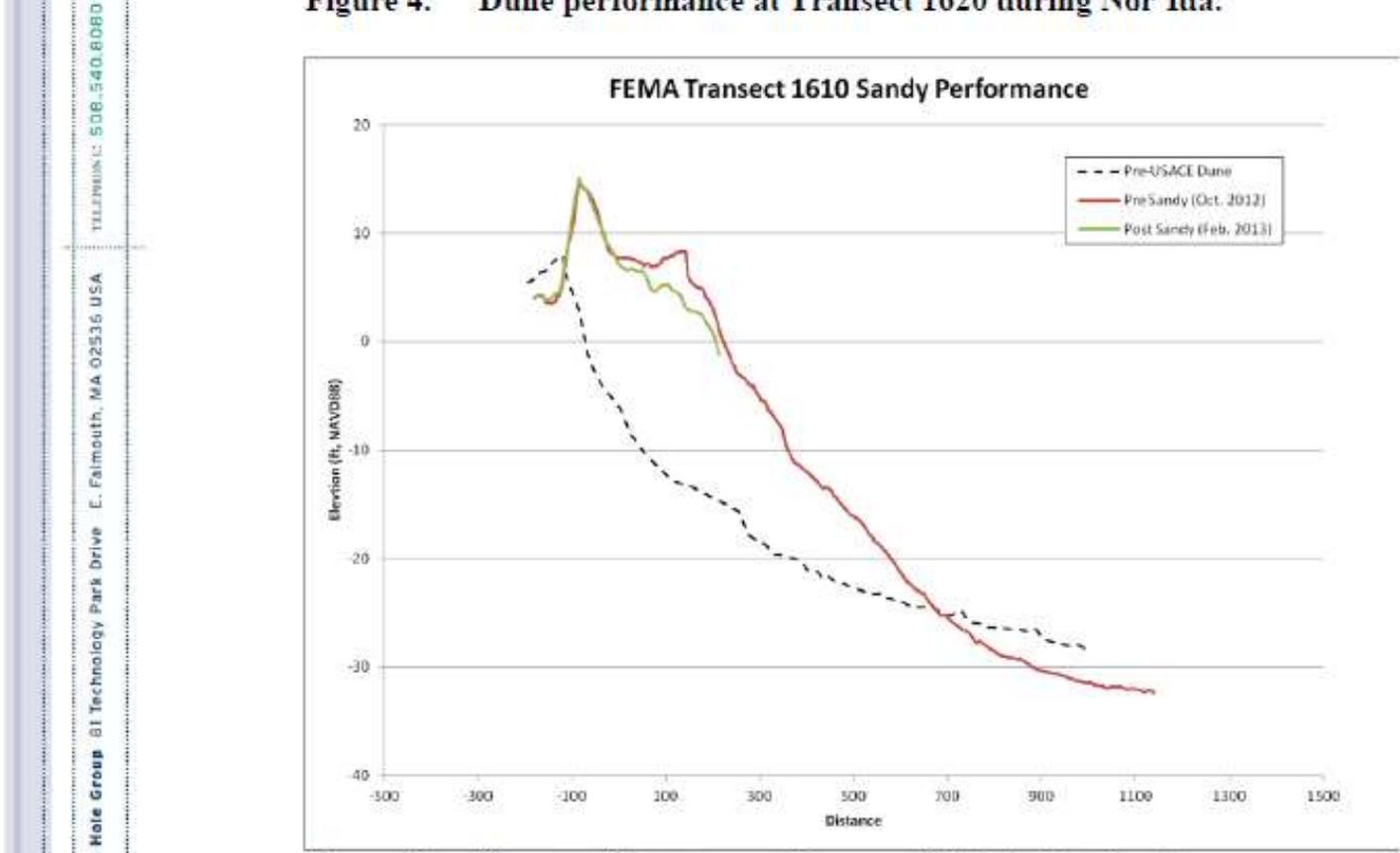


Figure 5. Dune performance at Transect 1610 during Sandy.

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WWW.WOODSHOLEGROUP.COM

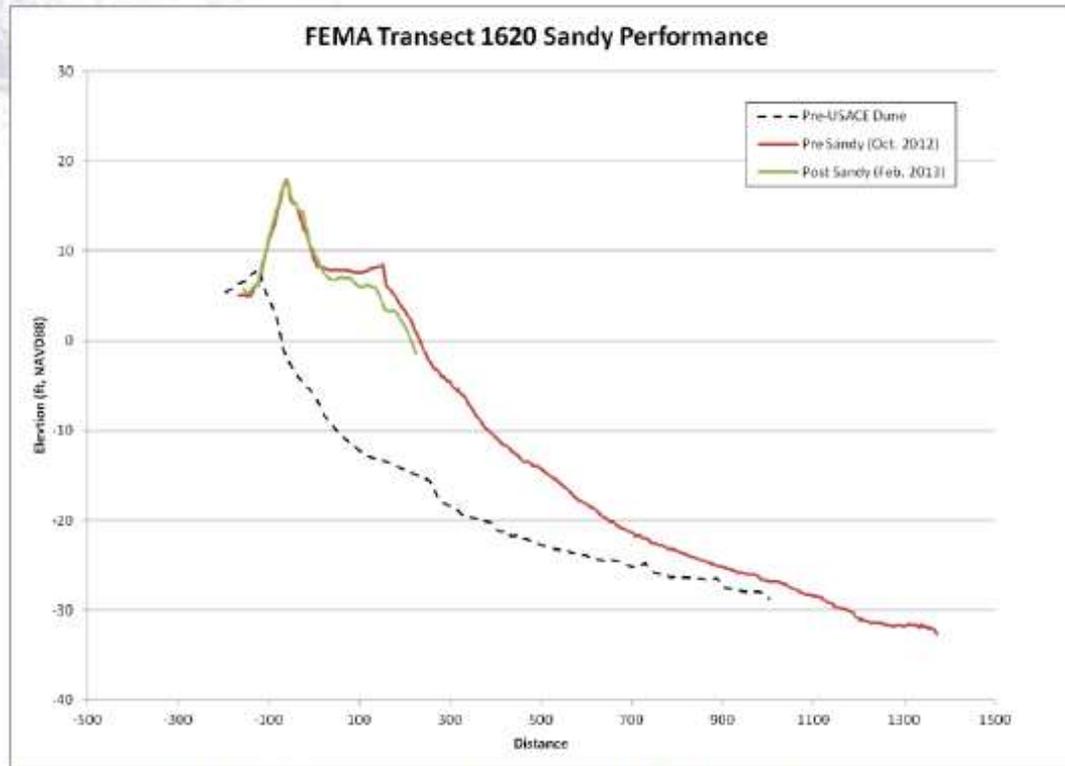


Figure 6. Dune performance at Transect 1620 during Sandy.

- (3.1) The South Bethany dune and beach nourishment project is part of a larger Flood & Control Storm Damage Reduction project authorized by the USACE called the Delaware Coast from Cape Henlopen to Fenwick Island, Bethany Beach/South Bethany, DE project. The project includes a 150-ft wide beach berm with an elevation of +7.0 ft NAVD, and a dune with an elevation of +16.0 ft NAVD over a total project length of 2.8 miles (includes Bethany and South Bethany). The project was approved for a period of 50 years from the date of authorization in 1999. The project includes dune grass, dune fencing, and suitable advance beach fill and periodic nourishment every three (3) years to ensure the integrity of the design.
- (3.2) The Federal sponsor for the project is the USACE and the local non-Federal sponsor is DNREC. Cost sharing for initial construction in 2008 and periodic nourishment follows a 65 (USACE)/35 (DNREC) split as outlined in a Project Cooperation Agreement dated July 26<sup>th</sup>, 2006.
- (3.3) Appropriation requests for the periodic nourishment every three (3) years are made by the Philadelphia District USACE office to FEMA headquarters in Washington DC, where they are presented to Congress for approval.
- (3.4) DNREC finances the state share of the project through bond measures and the 1% state accommodations tax, which is a dedicated funding strategy for shoreline protection activities. The accommodations tax raises an estimated \$2.0 million per year.
- (3.5) Post-storm restoration of the dune and beach project also follows the 65/35 cost share agreement, unless Flood Control and Coastal Emergencies (FCCE) funds under Public Law 84-99 are approved, in which case the local match is not required.

- (3.6) The *Delaware Coast from Cape Henlopen to Fenwick Island, Bethany Beach/South Bethany, DE* project completed initial construction in June 2008. The first cycle of periodic nourishment was completed in March (Bethany) and October (South Bethany) 2011. The next cycle of periodic nourishment is scheduled in FY 2016. Storm repairs were completed in 2009 and again in 2013, following hurricane Sandy. Funding for the 2009 and 2013 storm repairs was from FCCE monies, and therefore a match from DNREC was not required.
- (3.7) The USACE has demonstrated a commitment to maintaining and funding the storm damage and flood control functions of the Bethany/South Beach project over the eight (8) years since it was originally constructed.
- (3.8) Sand for restoration of the Bethany/South Bethany project comes from offshore borrow sites (Area E and Fenwick Island) permitted by the USACE. Work is currently underway by the USACE to permit a third borrow site (Area B) for interchangeable use by all of the storm damage reduction projects along the Atlantic Coast of Delaware. Sand volumes in the borrow sites are projected to be sufficient for future needs at all of the USACE Delaware projects.

Finally, we were able to identify the following four (4) storm damage reduction projects along the US Atlantic coast that have been included in FEMA's flood hazard analyses and mapping:

- Ocean City, MD – USACE and Maryland DNR sponsored: Atlantic Coast of Maryland Shoreline Protection Project
- Virginia Beach, VA – USACE and City of Virginia Beach sponsored: Virginia Beach Hurricane Protection and Renourishment Project
- Sand Bridge, VA – USACE and City of Virginia Beach sponsored: Sandbridge Hurricane Protection and Beach Renourishment Project
- Hilton Head, SC – Town of Hilton Head project.

In addition, we understand the communities of Orange Beach and Gulf Shores, AL had FEMA FIRMs changed through the Letter of Map Revision (LOMR) process to reflect beach and dune nourishment.

Detailed research into the rationale used by FEMA for the flood hazard studies at these sites was not possible due to time constraints. It is important to note that these storm damage reduction projects as other locations recognized by FEMA share characteristics with the South Bethany dune project. Contributing factors may have been extended periods of performance since several of the projects have been underway for decades, and funding mechanisms that would guarantee long-term maintenance of the projects.

A significant body of information was developed during Task 3 that supports use of the USACE/DNREC dune and beach nourishment project in FEMA's flood hazard mapping. The data and information are technically sound and suitable for submission with a possible appeal to FEMA of the Revised Preliminary 2015 maps. While Woods Hole Group has a good track record of successful appeals to FEMA, we are uncertain how a potential South Bethany appeal would be decided. We often can predict with confidence a favorable FEMA response to an appeal; however, we are not able to do so in this case. Although we believe the technical basis

is sound, the policy basis is unclear. If the Town decides to proceed with an appeal, we will work on the Town's behalf to ensure that FEMA has the necessary data and information to understand the benefits of the USACE/DNREC dune on the community. We encourage proactive communication with FEMA should the appeal proceed.

Please do not hesitate to contact me if you have questions.

Regards,



Leslie Fields  
Coastal Geologist, CFM

### **PUBLIC COMMENT PERIOD REGARDING THE WOODS HOLE GROUP'S RESULTS OF TASK 3**

During her review of the letter, Ms. Fields answered questions from meeting attendees.

### **ADOPTION OF MINUTES**

- **Town Council Regular Meeting Minutes, November 13, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the November 13, 2015, Town Council Regular Meeting Minutes. The motion was unanimously carried.
- **Town Council Workshop Meeting Minutes, November 19, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the November 19, 2015, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

### **PROPERTY OWNERS' PARTICIPATION**

- **Jim Gross (1 S. 3<sup>rd</sup> St.)** – Asked what the plans are to restore the dune and the beach before the season starts. The Town Manager replied that the last information the Town had from DNREC was as the sand builds up DNREC will push the sand up to rebuild the frontal portion of the dune. The Town Manager noted that South Bethany is scheduled for beach replenishment in 2017.

### **DISCUSSION AND POSSIBLE VOTE TO DIRECT THE WOODS HOLE GROUP (WHG) TO PERFORM TASKS 4 AND 5**

[Task 4: Prepare and file FEMA appeal. Task 5: Tracking and support of FEMA appeal (assumes a total of 20 man hours between coastal engineer and coastal geologist)]

**Motion:** A motion was made by Councilwoman Stevenson, seconded by Councilman Schrader, to direct the Woods Hole Group to perform Tasks 4 and 5.

**Discussion:** Councilwoman Stevenson asked what money the Town has spent and what money the Town will spend. Mayor Voveris said the owners had engaged the Woods Hole Group and the owners spent approximately \$15,000. Mayor Voveris stated that while the owners were

working with the Woods Hole Group the Town engaged Taylor Engineering and spent \$10,000. Taylor Engineering declined any further work for the Town, and then the Town engaged the Woods Hole Group on behalf of a request of the owners to continue the work. So far the Town has spent \$12,780 for the Woods Hole Group's work. To do Task 4 & 5 would be another \$10,580.

Mayor Voveris reviewed the following which she previously distributed to Council in a handout:

#### DECEMBER 11 THOUGHTS ON THE APPEAL INITIATIVE

##### PROS

1. Dune has historically proven to protect us
2. Acceptance by FEMA would be beneficial to many on Oceanside
3. FEMA has no regulations in writing they need to uphold
4. Ocean City had its dune/nourished beach considered by FEMA

##### CONS

1. FEMA has declared publicly and privately dune would not count
2. Taylor Engineering advised the dune would be the weakest avenue we could approach in appeal and advised against it
3. Taylor Engineering predicted further analysis would bring in the Ocean Drive BFE between 11 and 13, though they declined pursuing this for us
4. Leslie from the WHG is quoted on our website saying she understood why FEMA would not count the dune since it could be washed away with repetitive, serious storms
5. Tasks 1 and 2 calculations by WHG showed they agreed with FEMA determination of VE Zone, BFE 13 for Ocean Drive
6. WHG is not making recommendation to appeal in their report
7. We are up against FEMA practice and politics
8. FEMA has the prerogative for final determination regardless of what scientific analysis we bring forward to refute their findings

There was discussion by the Council.

Public Comment: David Brune (802 S. Ocean Dr.) – Stated that the issue is whether or not FEMA is going to accept the dune. Mr. Brune said he has been in South Bethany on the beach for 35 years, and we built that dune for the very purpose of protecting property and having a beach. Mr. Brune said now is no time to back down and say it was a worthless project because it wasn't a worthless project. Mr. Brune said he thinks the Council has come this far and to abandon it now tells FEMA they are right. Mr. Brune said the homeowners can proceed on their own, but Council "might as well send a three legged dog up to Philadelphia to fight the issue at that point". Mr. Brune said all the Town has to do is invest \$10,000 more to get to the point where FEMA makes a decision. Mr. Brune said the Town does not have to appeal it to the courts, the homeowners will be more than willing to do that, but Council has to get the homeowners that far. Mr. Brune said that if Council drops the homeowners now it is over. Mr. Brune said money is not the issue – the issue is protecting the citizens of this town. Mr. Brune said the Town owes the property owners the chance to at least go up against FEMA in the courts, and the only way the homeowners are going to get there is if the Town proceeds with the appeal to FEMA.

**Vote:** After more discussion, Mayor Voveris asked for a roll call. The voting was as follows:

FOR THE MOTION: Councilpersons Stevenson, Callaway, Schrader, and Junkin

AGAINST THE MOTION: Mayor Voveris and Councilpersons Weisgerber and Saxton

The motion carried with a 4-3 vote.

Later in the meeting Councilwoman Callaway thanked Mayor Voveris for her leadership on this issue throughout the past 14 months. Councilwoman Callaway said Mayor Voveris is going to have to continue in the leadership role because she is the most informed and she has been the most attentive to it. Despite Mayor Voveris' "No" vote, Councilwoman Callaway said she knows Mayor Voveris will do a good job and rise to the occasion. Councilwoman Callaway said she wanted to say publicly that she appreciates the enormous time and energy Mayor Voveris has put into this issue and with no payment. Everyone acknowledged Mayor Voveris' service with applause.

Councilman Saxton said he hopes his "No" vote was wrong, and he hopes the Town wins the appeal.

**PLANNING COMMISSION PRESENTATION FOR DNREC'S "2016 RESILIENT COMMUNITY PARTNERSHIP" OPPORTUNITY ALONG WITH A REQUEST TO COUNCIL TO APPROVE THE COMMITMENT OF A \$7,500 CASH MATCH (JACK WHITNEY)**

Planning Commission Member Jack Whitney presented the following PowerPoint Presentation using the overhead projector. Following the presentation there was a Questions and Comments period that included the Council Members and the meeting attendees.

**Town of South Bethany  
2016 Resilient Community  
Partnership Proposal**  
Presented By  
Jack Whitney  
December 11, 2015

**2016 Resilient Community Planning  
Partnership Proposal Announcement**

- This year, DNREC's Delaware Coastal Programs (DCP) will partner with **one** community to initiate formal resilience planning.
- DCP is offering \$75,000 funding for resilience planning plus direct staff support, policy expertise and technical assistance for the resilience planning.

**DCP's 2016 Resilient Community  
Planning Proposal**

- In general, resilience planning encompasses three primary objectives:
  - 1. Assessment – Develop a comprehensive vulnerability assessment.
  - 2. Planning – Identify and prioritize feasible mitigation measures.
  - 3. Implementation – Design and implement measures that enhance resilience .

## DCP's Partnership Overview

- DCP:
  - will select **one** community for a year-long partnership.
  - may, after the first year, continue working with the community over a longer time period
  - will administer up to \$75,000 from NOAA for contracted services.
- DCP cannot fund construction projects or municipal or county staff salaries and indirect costs.
- Match Considerations - Non-federal match dollars and in-kind services are encouraged but not required.
- Eligibility - a "community" is any incorporated municipality or county in the state. Communities who meet this definition are eligible.

## DCP's Evaluation Factors

- Demonstrated need.
- Benefits of the partnership.
- Community support.
- Transferability of results to DCP mission.
- Contribution of non-federal match dollars and in-kind services.
- Thoroughness of the application.
- Letter(s) of support.

## DCP's Submission and Selection Schedule

- **January 11, 2016** - Application Package due to DCP office.
- **On or before February 5, 2016** - Community Selection Announcement.

## Why South Bethany Will be Selected

- SB is an incorporated Town and is eligible for the DCP Partnership.
- SB has demonstrated a need for resilience planning. We have:
  - low lying land on the west and ocean front property east of Route 1.
  - a history of property damage from major storms, and numerous recorded events of nuisance flooding west of Route 1.
- SB is currently reviewing Town codes and has already modified the Coastal Floodplain Code (Article XIV, Section 145) to reflect most recent FEMA requirements
- SB has already started resilience planning:
  - Contract 2013 – South Bethany SLR Baseline Survey.
  - Contract 2015 – SLR Adaptation, A Multi Criteria Evaluation (Anchor QEA)
- SB has already:
  - created a GIS data base for further SLR planning.
  - begun the review and assessment of SLR vulnerability over the next 50 years.
  - identified the major SLR threats and potential mitigation options.
  - developed inundation mapping for the major climatological threats.
- The final SB Plan can be used as a model and will benefit other coastal communities in Delaware.
- We are the perfect match to meet the Partnership goals.

## SB's Proposed Objectives for the Partnership

- 1) *SLR Mitigation Plan* – determine feasible mitigation steps/efforts, and courses of action. Evaluate storm surge and review inundation and nuisance flooding.
- 2) *Economic Analysis* –determine order of magnitude costs, prepare cost benefit analyses for mitigation efforts, and identify funding options.
- 3) *Triggers for Action* – determine trigger points in time and define when to fund and/or implement actions.
- 4) *Adaptation Plan* – prepare the comprehensive “Coastal Resiliency Adaptation Plan”, including recommendations for future re-evaluation of the Plan.

## **SB's Proposed SOW for Partnership**

- a. Review the 2015 Phase I SLR study.
- b. Evaluate nuisance flooding and storm surge (SS).
- c. Review the inundation potential for a 100 year SS event.
- d. Prepare vulnerability mapping.
- e. Determine potential changes to Town codes.
- f. Prepare cost and benefit analyses for critical mitigation efforts.
- g. Determine trigger points in time when mitigation efforts should begin.
- h. Finalize a "Comprehensive SLR and SS Adaption Plan."
- i. Determine procedures and schedule for future verification of the Plan.
- j. Recommend steps to revise Plan when SLR is revalidated.
- k. Conduct periodic public outreach programs.
- l. Meet with DCP and other interested parties when necessary.

### **Action Required**

- The Council should approve the provision of a \$7,500 cash match to be used in addition to the proposed NOAA funds.
  - Town funds should be allocated in the 2016 budget, effective in May 2016,
  - SB will recommend these be used for unforeseen study costs and adjustments.
  - Town funds should be allocated to the Planning Commission for the management of the study.
- The Council should also approve a minimum of \$2,500 for "in-kind" services.

### **Questions and Comments**

- The SLR and Planning Commission have agreed to this course of action and will appreciate the continued support of the Council.
- Questions and Comments

**DISCUSSION AND POSSIBLE VOTE TO APPROVE THE PLANNING COMMISSION'S REQUEST OF A COMMITMENT OF A \$7,500 CASH MATCH FOR DNREC'S "2016 RESILIENT COMMUNITY PARTNERSHIP" OPPORTUNITY**

**Motion and Vote:** After discussion, a motion was made by Councilman Junkin, seconded by Councilman Weisgerber, that Council approve the Planning Commission's request of a commitment of a \$7,500 cash match in the FY 2017 Budget for DNREC's "2016 Resilient Community Partnership" opportunity.

FOR THE MOTION: Mayor Voveris and Councilpersons Stevenson, Weisgerber, Saxton, Schrader, and Junkin

AGAINST THE MOTION: Councilwoman Callaway

The motion carried with a 6-1 vote.

Public Comment: Later in the meeting Tom Roche (141 Henlopen Dr.) asked about the request in the presentation for \$2,500 for in kind service.

**Motion and Vote:** After discussion, a motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to put in the proposal that there will be at least \$2,500 in kind hours that is a combination of volunteers and staff. The motion was unanimously carried.

**DISCUSSION AND POSSIBLE VOTE TO TASK THE CHARTER AND CODE COMMITTEE TO DEVELOP RECOMMENDATIONS REGARDING HOUSE HEIGHT AND VOLUNTARY FREEBOARD TO ACCOMMODATE NEW BFES (PAT VOVERIS)**

**Motion and Vote:** A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council task the Charter and Code Committee to develop recommendations regarding house height and voluntary freeboard to accommodate new BFEs. After discussion the motion was unanimously carried.

**DISCUSSION & POSSIBLE VOTE TO TASK THE CHARTER & CODE COMMITTEE TO DEVELOP RECOMMENDATIONS FOR COUNCIL ON THE FLOATING DOCK AND BOAT LIFT ISSUES**

**Motion and Vote:** A motion was made by Councilman Saxton, seconded by Councilman Junkin, that Council task the Charter and Code Committee to develop recommendations for Council on the floating dock and boat lift issues. The motion was unanimously carried.

**LEADERSHIP REPORTS (Paper copies of reports were available on the sign-in table. Oral reports were not presented.)**

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

The month of November was extremely busy preparing for both the Council and Workshop Meetings regarding the FEMA FIRM Appeal Initiative.

During our November Workshop Meeting the Council approved the FY 2016 Ambulance Service Budget which was also approved by the Ambulance Sponsor Committee to include Bethany Beach, South Bethany, Fenwick, and Sea Colony. The ambulance fees per property will remain the same as the current year.

At the end of November our data compilation company prepared a report on response information for our 2015 Survey. 1407 Surveys were sent and 726 responses were mailed

back to Town Hall. A descriptive summary report on Survey results is underway and planned for posting to our website near year end.

As part of the Ambulance Group, South Bethany is joined by Fenwick, Sea Colony, and Bethany Beach in now studying information to develop a model to introduce paid firefighters to the BBVFD district. I recently attended a meeting that included members of the Sussex County Council to discuss this initiative.

Many thanks to our Maintenance Department for the wonderful holiday display on Route 1 and at Town Hall. For a small town we are both festive and fabulous!

- **Town Manager's Report**—Submitted by Melvin Cusick:

The Town has been notified that we have been recertified for the Community Rating System. This recertification must be completed yearly by participating communities to remain in good standing in the program. It is estimated that this program saves approximately \$113.00 per policy which equates to a total community-wide savings for South Bethany residents amounting to approximately just over \$100,000.00.

Contract 15-05, Trash, Recycling and Yard Waste was awarded by Town Council at the Town Council Workshop meeting held on November 19, 2015. The 5 year contract in the amount of \$1, 638,431.00 will begin on May 1, 2016, and run through April 30, 2021. This contract will save each property owner approximately \$53.80 next year (May 1) over the current year.

The Flood Mitigation Project located at 204 Carlisle Road has begun. This is a cooperative project with FEMA funding through DEMA (Delaware Emergency Management) and the property owner. The Town must administer this project and is reimbursed through the program grant for staff time and expenses. The total amount of the project is \$53,050.00. 75% is funded by FEMA with the remaining 25% provided by the property owner. This project has taken over two years to get to this point.

- **Treasurer's Report**—Submitted by Councilman Saxton:

- Reports for the first seven months of FY 2016 have been provided to the Mayor and Council for review. The full Edmunds Report for 1st half of FY 2016 has been provided to the Town Council for review.
- Revenues continue to do well and we have collected approximately 88% of all revenue for the fiscal year total. Highlights for Revenues are:
  - Property tax 96% collected. Following up with 25 property owners who are late in making tax payments. Improvement of 1 tax collection over the past month
  - Transfer Taxes are at 99% collected. Significant increase seen in revenue in November. Budgeted revenue expectations will be met in FY 2016.
  - Building Permits are at 120% of budget. Additional permits in the pipeline.
  - All other revenues are tracking to budget.
- Departmental and Committee expenditures are tracking to Budget or less
- Budget Amendment for Legal Costs and the 1st half of FY2016 will be presented at the February Town Council Meeting.

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

**South Bethany Police Hummer**

The police department has completed work on the Hummer. It is now white, with South Bethany Police labels and the seal of the Town of South Bethany, to match our patrol vehicles.



**Office of Highway Safety DUI Patrols**

Our department has added extra patrols for the weekends throughout the Thanksgiving and Christmas holiday season. The goal is to deter people from driving while intoxicated that would otherwise result in an arrest, as well as being on the lookout for other traffic violations to keep our highways safer.

**Winter Weather is Setting in**

The Police Department would like to remind everyone to be watchful of frozen/burst water pipes or water leaks as winter is setting in. There were several instances last year where we were able to contact homeowners with pipe leaks and avoid further damage thanks to a neighbor calling it in.

Also, be mindful to keep all windows and doors locked and secured upon leaving your residence or vehicle. As the population dies down for our winter season, a lot of homes are left vacant attracting burglars and thieves. Bethany has already had several of these instances, however, we have not had any. If you see something that looks suspicious call our department.

**COMMITTEE & COMMISSION REPORTS (Paper copies of reports were available on the sign-in table. Oral reports were not presented.)**

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

The Community Enhancement Committee met on Wednesday, December 9, 2015, and was attended by the following members: Sue Callaway, Chair; Donna Farrow, Diann Nazarian, Kent Stephan, Bobbe Stephan, Carol Stevenson, Pat Weisgerber, Don Chrobot and Rick Gentile. The meeting was followed by the CEC's Annual Christmas Party with 9 employees joining the committee.

The CEC reviewed the following “Old Business” items:

- Six free-standing street lights with protective shields installed at replacement sites within the Cat Hill area
- Additional six free-standing streets with protective shields will be installed at replacement sites in January
- Route 1 Christmas lights hung prior to Thanksgiving
- Christmas decorations at north and south welcome signs installed beginning of December
- Art Boards removed from Ocean Drive for winter storage on December 1
- Condition of grass within the Route 1 median
- Earth Day adoption to be along Route 1 between Henlopen and Brandywine

The Committee reviewed its updated (October 21<sup>st</sup>) list of 2016 Priorities. The items on the list were re-examined and voted upon as possible inclusion in the FY 17 Budget. The following items were considered favorably for inclusion and further research:

- Earth Day Adoption (2017)
  - Phase 5 Covered sign posts (such as “No parking This Side”, etc.) on west side of Route 1
  - New Welcome Signs at the north and south entrances (Sue and Don have met with Signarama and have initiated design options and are awaiting further estimates – Don has also been in contact with DelDOT and received some new sign regulation information).
  - Potential Partnership with the Historical Society regarding the creation of outdoor historic photos to be placed around Richard Hall Memorial Park (pending Historical Society interest, CEC will seek TC approval at February TC meeting)
  - Hosting an Art Fair (Labor Day weekend) in partnership with the Communications and Public Relations Committee at the York Beach Mall (Richard Mais is supportive of the idea and SB resident artist Tara Grimm will serve in a co-coordinator capacity). (Will seek TC approval at February TC meeting)
  - Replace existing Holiday decorations at Town Hall
- **Budget and Finance Committee** – Submitted by Councilman Saxton:
    - Meeting was held on December 11<sup>th</sup>.
    - Work on the Fee schedule for the Town is ongoing. The committee reviewed Building Permit fees at the meeting. Finalization of a proposed new fee schedule is expected in time for the proposed FY 2017 budget.
    - Compensation and Benefit policy for the Town staff and PD was reviewed for any potential recommended changes.
  - **Charter and Code Committee** – Submitted by John Fields, Chair:
 

The Charter and Code Committee are looking for ways to include suggested code changes made by Linda Raab into upcoming ordinances. The Committee is also working on an ordinance to give the Code Enforcement Officer the authority to approve minor changes to the setback code that a homeowner would otherwise have to take to the Board of Adjustment.

The Committee is also expecting the Council to, in upcoming meetings, ask for ordinances related to house height, boat lifts, and smoking on the beach.

- **Canal Water Quality Committee (CWQC)** – Submitted by Councilman Junkin:

**Grant Status**

- Sandpiper Pines Stormwater Retrofits (Rain Gardens and Infiltration Trenches)
  - The project is on schedule.
  - Construction and planting is scheduled for the spring time frame.
- York Canal Oysters and Floating Wetlands
  - No new information

**CWQC Meeting 12/11/2015**

- Focused on developing budget proposal for next year.

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Submitted by Councilman Junkin:

**Sea Level Rise Adaptation Grant Status**

- All activities are on schedule
- Quarterly Report will be submitted to DNREC this month

**SLR & SS Committee Meeting – November 16, 2015**

- Items on the agenda include:
  - Discussion on Anchor QEA recommendations on the infrastructure prioritization. Items selected to due inundation mapping were: roads, bulkheads, ground mounted transformers and storm water catch basins.
  - Finalize the hand out discussing building higher reduces risk and flood insurance costs.
  - Budget requests for next year were developed.
  - Presentation by Owen Grechter on CRS.
  - Jack Whitney will prepare a presentation for Council to support developing a proposal to obtain a 2016 Resilient Community Partnership with DNREC. DNREC's announcement for the partnership states that "Up to \$75,000 in funding from the National Oceanic and Atmospheric Administration (NOAA) will be administered by DNREC for contracted services such as cost-benefit analyses and engineering designs, as needed." Even though no match is require by DNREC, the SLR&SS Committee is asking Council to commit up to \$7,500 cash to support the partnership, if South Bethany is successful with their proposal.

- **Planning Commission** – Submitted by Councilwoman Stevenson:

The Planning Commission met on November 20, 2015, to continue discussions and work on Town Goals with Objectives and Strategies. The Draft of South Bethany town goals includes the following: Provide for a well-maintained town, Maintain the single family nature of the town, Maintain a safe public environment for residents and visitors, Continuously improve town services including town policies and codes, Maintain fiscal soundness, and Promote the town as a "Delaware Healthy Community." A draft of the Comprehensive Plan is in discussion.

The next meeting will be held on January 4, 2016, at 10 AM.

- **Assawoman Canal Trail** – Submitted by Councilwoman Stevenson:

There has been no activity with the Assawoman Canal Trail Project since the last report.

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

The Committee met on November 17, 2015, at 1:30. The upcoming potluck supper February 20, 2016, was discussed and plans completed. Margaret Oliver will chair this event. Funds have been transferred to purchase paper goods for this event.

Lisa Saxton will develop a flyer to be sent out by the South Bethany News Update Email for this event. She has also volunteered to update and improve the appearance of our town bulletin boards.

Proposed contracts for 2 summer movie nights have been received from Barton's Grand Rental Station. Movies have not yet been chosen. They will be reviewed early in 2016.

The Polar Plunge breakfast will be held on January 1<sup>st</sup>, with the Committee hosting a light breakfast for the participants and their families. Ann Boteler will photograph the event.

The Committee has been invited to team with the Community Enhancement Committee to host an Art Fair at the York Beach Mall in the spring. The details will be forthcoming.

The next meeting of the Committee will be held on February 17, 2016.

#### **PUBLIC COMMENT**

Tom Roche (141 Henlopen Dr.) – Asked about the request in the presentation for \$2,500 for in kind service. As recorded previously in these meeting minutes the following was the motion and vote on this issue:

**Motion and Vote:** After discussion, a motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to put in the proposal that there will be at least \$2,500 in kind hours that is a combination of volunteers and staff. The motion was unanimously carried.

#### **ADJOURNMENT**

A motion was made by Councilman Saxton, seconded by Councilman Weisgerber, to adjourn the December 11, 2015, Town Council Regular Meeting at 9:00 p.m.